

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES,

AT THE CALLED SESSION OF THE

GENERAL ASSEMBLY

OF THE

STATE OF ALABAMA;

BEGUN AND HELD IN THE STATE CAPITOL, AT TUSCALOOSA.

ON THE THIRD MONDAY IN APRIL, 1841.

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1841.

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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES.

MONDAY, April 19, 1841.

Pursuant to the proclamation of his Excellency the Governor, the following members of the House of Representatives appeared in the Hall of the House, on the nineteenth day of April, in the year of our Lord one thousand eight hundred and forty-one, to wit:

From the county of Autauga—Benjamin Davis, Absalom Doster.

Baldwin—Gerrit B. Hall.

Benton—Thomas A. Walker, J. T. A. Hughs, Stephen Kelly.

Bibb—David E. Davis, S. W. Davidson.

Blount—Ira L. McMillion, Godfrey Fowler.

Butler—Walter H. Crenshaw, Edward Bowen.

Chambers—Charles McLemore, Leroy McCoy.

Cherokee—John H. Garrett.

Clarke—W. F. Jones.

Conceh—W. A. Bell.

Cosa—W. W. Morris.

Covington—Laird B. Fleming.

Dallas—William H. Norris, Dan'l. H. Norwood.

De Kalb—William O. Winston, Andrew Wilson.

Fayette—E. Marchbanks, Wilson Cobb.

Franklin—Robert A. Baker, Benjamin Reynolds, Elijah McCullough.

Greene—Solomon McAlpin, Elisha Young.

Henry—Alexander Blackshear.

Jackson—Joshua Wann, James Smith, James Russell.

Jefferson—L. G. McMillion, Jeremiah Randolph.

Lawrence—T. W. Walker, James E. Saunders, Hartwell King.

Lauderdale—H. D. Smith, J. R. Alexander, J. Douglass.

Limestone—John H. I. Wynn, Nathaniel Davis.

Lowndes—John S. Hunter, Robert B. Campbell.

Madison—David Moore, Jeremiah Clemens.

Marengo—James W. Davenport.

Marion—Thomas C. Moore.

Marshall—William M. Griffin, James M. Adams.

Mobile—C. C. Langdon, A. C. Hollinger, Thomas McC. Prince, Joseph Bates.

Monroe—E. T. Broughton, Leroy A. Kidd.

Morgan—Milton McClannahan, C. E. B. Strode.

Montgomery—J. J. Hutchinson.

Perry—A. Q. Bradley.

Pickens—W. McGill, J. Peterson.

Randolph—F. F. Adrian.

Russell—B. Mangum.

Shelby—Wade H. Griffin, William J. Peters.

St. Clair—Oran M. Roberts.

Sumter—William M. Inge, John A. Winston, Blake Little.

Talladega—George Hill, Samuel F. Rice.

Tallapoosa—Charles Stone.

Tuscaloosa—R. Jemison, jr. James G. Blount, Jabez Mitchell, H. Perkins.

Walker—E. Mallard.

Washington—S. S. Houston.

Wilcox—C. M. Peguese, K. R. Womack.

On motion of Mr Reynolds, Mr McAlpin was called to the chair, and T. B. Tunstall acted as clerk.

Mr William McCay, a member from the county of Madison, elected to fill the vacancy occasioned by the death of Samuel Walker, Esq. appeared, was qualified and took his seat.

The Hon. Robert A. Baker, who was duly elected Speaker at the last annual session of the Legislature, then took the chair, and the House proceeded to business.

Mr Speaker laid before the House, a communication from John Tatum, informing their body of his resignation of the office of Doorkeeper, which was read and ordered to lie on table.

The House then proceeded to the election of a Doorkeeper to fill the vacancy occasioned by the resignation of John Tatum—JAMES H. OWEN alone being in nomination, and having received all the votes given, being a majority of the whole number, Mr Speaker declared him duly elected Doorkeeper to the House; he was qualified and entered upon the duties of his office.

Mr Speaker laid before the House the resignation of James H. Owen, as Messenger, which was read and laid on the table.

The House then proceeded to the election of a Messenger, to fill the vacancy occasioned by the resignation of James H. Owen—JOSEPH STROUP, THOMAS M. GLEASON and JOEL GLEASON being in nomination.

Those who voted for JOSEPH STROUP, are Messrs Speaker, Adams, Alexander, Blackshear, Campbell, Clemens, Davis of L. Fowler, Griffin of M. Hill, Jones, King, Mallard, Marchbanks, McCay, McClannahan, McCullough, McLemore, McMillion of B. McMillion of J. Moore of Madison, Morris, Randolph, Rice, Russell, Smith of J. Strode, Walker of L. Wann and Wynn.

Those who voted for THOMAS M. GLEASON, are Messrs Adrian, Cobb, Davis of A. Dixon, Garrett, Houston, Hughs, Kelly, Moore of Marion, Reynolds, Saunders, Smith of L. Stone, Walker of B. Wilson, Winston of DeK. and Winston of S.

Those who voted for JOEL GLEASON, are Messrs Bates, Bell, Blount, Bowen, Bradley, Broughton, Crenshaw, Davenport, Davidson, Davis of B. Doster, Fleming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Smith, Mangum, McAlpin, McCoy, McGill, Mitchell, Norris, Norwood, Peguese, Perkins, Peters, Peterson, Prince, Roberts, Simmons, Womack and Young.

Neither of the candidates having received a majority, the House proceeded to vote a second time.

Those who voted for MR STROVE, are Messrs Speaker, Adams, Adrian, Alexander, Blackshear, Campbell, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Garrett, Hill, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McCay, McClamahan, McCullough, McLemore, McMillion of B. McMillion of J. Moore of Madison, Moore of Marion, Morris, Randolph, Reynolds, Rice, Roberts, Russell, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Wilson, Winston of DeK. and Wynn.

Those who voted for THOMAS M. GLEASON, are Messrs Houston, McAlpin, Saunders and Winston of S.

Those who voted for JOEL GLEASON, are Messrs Bates, Bell, Blount, Bowen, Bradley, Broughton, Crenshaw, Davenport, Davidson, Davis of B. Doster, Fleming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, McCoy, McGill, Mitchell, Norris, Norwood, Peguese, Perkins, Peters, Peterson, Prince, Simmons, Womack and Young.

MR STROVE having received a majority of the votes given, Mr Speaker declared him duly elected Messenger to the House. He was qualified, and entered upon the discharge of the duties of his office.

Mr Hall offered the following resolution:

Resolved, That for the convenience of the members of the House, that each member occupy the same seat he occupied last session.

Mr Winston of S. moved to lay the resolution on the table; which was lost.

Mr Bates moved to amend by inserting after member, the words 'have the privilege to,' which was carried.

The resolution as amended, was then adopted.

Message from the Senate by Mr Hill, their secretary:

Mr Speaker—I am instructed by the Senate to inform the House of Representatives that a quorum of the Senate have convened in the Senate Chamber, and are now ready to proceed to the discharge of public business. I am also instructed to inform the House of Representatives that George B. Clitherall, has been elected assistant secretary to the Senate, to fill the vacancy of M. Gordon, Esq. who has failed to attend.

The message was laid on the table.

Mr Morris offered the following resolution, which was adopted:

Resolved, That the Senate be informed that the House of Representatives have assembled, and that they have elected James H. Owen, Doorkeeper

to fill the vacancy occasioned by the resignation of John Tatom; and have also elected Joseph Stroup, Messenger, in place of James H. Owen, resigned.

Mr Davis of A. offered the following resolution:

Resolved, That a committee of three members be appointed on the part of the House, to act with such committee as may be appointed on the part of the Senate, to inform the Governor that the two Houses are now convened, in accordance with the proclamation of the Governor, and are ready to receive any communication he may think proper to make, which was, on motion of Mr Reynolds, laid on the table.

A message was received from the Senate by Mr Hill:

Mr Speaker—The Senate has adopted the following resolution:

Resolved by the Senate, That a committee of two be appointed, to act jointly with such committee as may be appointed on the part of the House of Representatives, to wait upon his Excellency, the Governor, and inform him that the two Houses are now organized and ready to receive any communication which he may deem proper to make.

Messrs Reese and McVay have been appointed said committee on the part of the Senate.

The message was laid on the table.

The resolution offered by Mr Davis was then taken from the table and adopted. Whereupon Messrs Davis of A. Reynolds and Moore of Madison, were appointed. Ordered, that the clerk inform the Senate.

Mr Rice introduced a bill to be entitled an act making a more equal and just distribution of the banking capital of the State of Alabama, and for other purposes; which was read the first time and ordered to a second reading.

Mr Walker of L. introduced a bill to be entitled an act to authorize the Governor to issue his proclamation for an election of members to the twenty-seventh Congress.

Mr Davis of A. moved to postpone the further consideration of the bill until to-morrow.

On motion of Mr Langdon, the House then adjourned until to-morrow morning ten o'clock.

TUESDAY, April 20, 1841.

The House met pursuant to adjournment.

William M. Murphy, a member from Greene county; Eldred W. Williams, a representative from the county of Jackson; J. W. Mann, a representative from the county of Barbour; and James Pynes, a representative from the county of Henry, appeared in the Hall of the House and took their seats.

Mr Rice offered the following resolution:

Resolved, That the rules adopted at the late session of this House, shall govern the proceedings of the present session;

Which, on motion was laid on the table.

Mr Norris presented a petition from sundry citizens of Dallas county, praying the Legislature to raise the fees of justices of the peace and constables in said county; which was referred to the committee on the judiciary.

Mr Reynolds presented the petition of sundry citizens of Franklin and Lawrence counties, praying the Legislature to authorize Horn & Baker to grind corn and wheat at their steam mill; which was referred to the delegation from Franklin county.

Mr Reynolds also presented the petition of sundry citizens of Franklin

county in relation to the State Bank and Branches; which was read and referred to the committee on the State Bank and Branches.

Mr Young presented the petition of sundry citizens of Greene county, praying the passage of a law extending the jurisdiction of justices of the peace in said county; which was referred to the judiciary committee.

Mr Smith of J. presented the petition of sundry citizens of Jackson county, praying an appropriation for Paint Rock river, which was referred to the committee on roads, bridges and ferries.

Messrs Saunders and Moore of Madison, presented accounts; which were referred to the committee on accounts.

Mr Langdon presented the petition of Peter Martin and others; which was referred to the committee on privileges and elections.

Mr Saunders introduced a joint resolution restricting the action of the two Houses; which lies over one day.

Mr Hutchinson introduced a bill to repeal an act entitled an act to establish the General Ticket System in elections for Representatives in Congress from the State of Alabama; which was read and ordered to a second reading.

Mr Norwood introduced a bill to incorporate the Warrenton male and female academy in the county of Dallas; which was read and ordered to a second reading.

Mr Dixon introduced a bill to repeal an act entitled an act to raise a fund for the payment of jurors for the county of Pike, approved, December twenty-first, 1810, and for other purposes; which was read and ordered to a second reading.

Mr Moore of Madison introduced a bill to amend the charters of the Bank of the State of Alabama and its several Branches, and for other purposes; which was read and ordered to a second reading.

Mr Langdon introduced a bill in relation to the harbour of Mobile; which was read and ordered to a second reading.

Mr Douglass called up the resolution from the Senate, proposing that a committee of both Houses should wait on the Governor, and see if he had any communication to make; which was laid on the table yesterday. The resolution was concurred in; and Messrs Davis of A. Reynolds and Young were appointed.

The House then proceeded to the orders of the day.

The bill making a more equal and just distribution of the banking capital of the State of Alabama and for other purposes, was read the second time and referred to a select committee consisting of the delegation from Talladega, Lauderdale, Sumter and Barbour.

Mr Mitchell introduced a bill to repeal in part an act entitled an act in relation to sixteenth sections, approved, February 4, 1810; which was read and ordered to a second reading.

Mr Jones offered the following resolution:

Resolved, That one hundred copies of the rules of this House be printed for the use of the members of this House; which was rejected.

Mr Hall introduced a bill to declare Bear Creek a public highway; which was read and ordered to a second reading.

A message from the Senate by Mr Hill, its secretary:

Mr Speaker—The Senate has passed a bill to be entitled an act to change an election precinct in the county of Dallas:

The Senate has adopted a memorial and joint resolution of the General Assembly of the State of Alabama in relation to a Land District in the Cherokee Nation:

The Senate has also passed a bill to compensate Elijah Hornburger: In which they ask the concurrence of the House of Representatives.

Bills from the Senate of the following titles:

An act to compensate Elijah Hornburger:

And an act to change an election precinct in the county of Dallas:

Also, a memorial and joint resolution of the General Assembly of the State of Alabama;

Were severally read and ordered to a second reading.

Mr Davis of A. made the following report:

Mr Speaker—The committee appointed on the part of the House, to act with a committee appointed on the part of the Senate, to wait on the Governor, and inform him that a quorum of the two Houses have met according to his Excellency's proclamation, bearing date the 29th day of March last, and are ready to receive any communication he may think proper to make, have performed that duty, and have received for answer that he will communicate in writing on this day at 11 o'clock, A. M.

Which was laid on the table.

Mr Jemison introduced a bill to compensate Daniel Goree: Also, a bill to amend the charter of the city of Tuscaloosa; which were severally read and ordered to a second reading.

Mr Hollinger introduced a bill to alter and amend the several acts in relation to the public roads in the county of Mobile; which was read and ordered to a second reading.

Mr Hutchinson introduced a bill to amend and explain an act entitled an act to authorize the commissioners of township sixteen, range seventeen of Montgomery county, to erect a suitable building for an academy; which was read, and the constitutional rule being suspended, it was read a second and third time forthwith and passed. Ordered, that the clerk transmit the same to the Senate for their concurrence.

Mr McGill introduced a bill to secure a homestead to every family in this State; which was read.

Mr McLemore moved that the bill be indefinitely postponed; which was lost. Yeas 40—Nays 45. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Speaker, Adrian, Alexander, Bell, Blackshear, Bowen, Bradley, Davidson, Davis of A. Dixon, Douglass, Fowler, Hill, Hughs. Hunter, Jemison, Jones, Kelly, Little, McVay, McClanahan, McCoy, McCullough, McLemore, McMillion of B. McMillion of J. Mitchell, Moore of Madison, Morris, Murphy, Pynes, Randolph, Reynolds, Roberts, Saunders, Smith of L. Strode, Walker of B. Williams, Winston of S. and Wynn.

Those who voted in the negative, are Messrs Blount, Broughton, Campbell, Clemens, Cobb, Crenshaw, Davis of B. Davis of L. Doster, Flemming, Garrett, Griffin of M. Griffin of S. Hall, Hollinger, Houston, Mann, Marchbanks, McAlpin, McGill, Moore of Marion, Norris, Norwood, Peguese, Perkins, Peters, Peterson, Prince, Rice, Russell, Simmons, Smith of J. Walker of L. Wann, Wilson, Winston of DeK. Womack and Young.

The bill was ordered to a second reading.

Mr Kidd introduced a bill to change the time of holding the chancery court for the southern division, at Monroeville; which was read and ordered to a second reading.

Mr Prince introduced a bill to regulate damages in the supreme, circuit and county courts; which was read and ordered to a second reading.

A message was received from the Governor, by J. D. Bagby, his private secretary, which, said message, is as follows:

EXECUTIVE DEPARTMENT, }
TUSCALOOSA, APRIL 19TH, 1841. }

Gentlemen of the Senate, and of the House of Representatives:

The President of the United States having by Proclamation, bearing date the 17th day of March last, required Congress to convene on the 31st day of May next, and the period for which the members of the House of Representatives of the Congress of the United States from the State of Alabama, having according to the established usage of the Government, expired on the 4th of March last, and there being no provision in the laws of this State for the election of members of the popular branch of the National Legislature, before the first Monday in August next; I have considered it my duty under the power confided to me by the Constitution, to convene the Legislature, in order to provide by law, for the election of members of the House of Representatives, at a time prior to the period fixed by the existing law, so that the people of Alabama may not be unrepresented in this extra session of Congress. I beg leave, therefore, to recommend the passage of a law providing for the election of members of the House of Representatives in the Congress of the United States, at the earliest period consistent with a free and ample exercise of the elective franchise, which ought never to be abridged or impaired: and in order to guard against a similar difficulty in future, the law had better be general in its character.

It would be entirely superfluous to add, that requiring an extra session of the Legislature was a measure resorted to with extreme reluctance on my part; and that no consideration less imposing than securing to the people of Alabama, in the present peculiar and deeply interesting crisis of our public affairs, the inappreciable right of being fully represented, could have justified it, attended as it necessarily must be, with great personal inconvenience to the members of the Legislature, and considerable public expense. Believing it not improbable, from the indications then afforded, that those who were about to succeed to the administration of the affairs of the Government of the United States, might think it necessary in order to carry into practical operation and effect, the principles which they no doubt honestly believed to be involved in the issue of the recent election of a Chief Magistrate of the Union, that Congress should be convened earlier than the regular period fixed by law for the meeting of that body; and anxious that the people of Alabama should be fully represented at the very commencement of that disastrous political career, which to my mind had been too perceptibly shadowed forth by the result of the Presidential election; on the 19th of December last, I took the liberty of submitting a special message to the General Assembly, respectfully recommending the passage of a law to provide for the contingency which has since happened. And if with the lights by which I was then aided, the utmost necessity was discovered for the most unremitting vigilance on the part of those who occupy the responsible places of guardians of the public

interest, and the sincerest apprehensions were felt that the government of the United States, in which we have a stake of such incalculable value, was not likely to be conducted upon those pure and unerring principles of democracy which have always prevailed in the better days of the Republic, candor impels me to the declaration, that these apprehensions have not been abated or diminished by events which have since transpired. It may be safely asserted as a general principle, to the correctness of which all will probably accede, that no public functionary is justifiable in resorting to the exercise of the extraordinary powers with which he is invested, except in cases of imperious necessity; and where the exercise of the ordinary powers with which he is clothed, is inadequate to the emergency which renders a resort to the extraordinary powers necessary and proper. And in all cases before the exercise of extraordinary power is resorted to, the necessity for it should be clearly shown to exist. It is, therefore, considered unfortunate, and not calculated to allay the apprehensions of a patriotic people, jealous of their rights and watchful of their servants, that the President of the United States should have thought it his duty to convene Congress at a time not only unusual, but within less than ninety days after the adjournment of that body; and at an expense, not to be lightly estimated in these times, without stating clearly and distinctly his reasons for doing so, in order that a generous and confiding people might understand the necessity which existed at the time, for continuing to subject them to an increase of those burdens, which they had been repeatedly told were grievous and oppressive, and which they had been solemnly assured, in almost all the varieties of promise, should be greatly diminished, if not taken off entirely.

The derangement of the currency is to be sure alluded to as the reason why it is necessary for Congress to assemble; and so it has perhaps with equal justice been assigned as the cause of all the public and private misfortunes, rail road and steamboat accidents that have taken place since the guardian genius of an United States Bank has been withdrawn from us. If by providing, or relieving against the acknowledged evils of a deranged and disordered currency, is meant the establishment of a National Bank, let the question be stripped of all disguises, and fairly presented at once. But to be continually bewailing the unsoundness and the depreciation of the currency, without the moral courage to propose a remedy, not only implies a want of candor on the part of those who indulge these complaints, but would really seem to be, rather a bold experiment on the discernment and the credulity of the people.

There is one other subject, connected with our relations to the federal government, and with the public acts of a distinguished public officer, now no more, which nothing but an imperious sense of duty could, at this time induce me to notice. And I notice it with the distinct avowal that it is not for the purpose of attempting to inflict censure, much less to cast reproach on the acts or memory of the dead; but to awaken the living to a sense of the danger which threatens their rights and their principles. I allude to the appointment of those, to high offices under the federal government, whose deliberately formed, wellsettled, long cherished and often repeated political opinions upon subjects of vital importance are known to be at war with the rights and interests of the Southern people, the principles of democratic republican government, and the true theory of the Constitution. Whatever coloring or complexion may be put upon it now, history, stern inflexible history,

faithful to its office, which is to make an imperishable record of the conduct and actions of public men, will not fail to pronounce impartial judgment on the propriety of appointing to one of the highest offices under the government of the United States, a man, who exerted those great talents, which seem now to constitute the wonder and admiration of thousands, in opposition to the honor and interest of his country, in the darkest hour of her peril.

But this is not perhaps the proper time or a suitable occasion to enquire into the sufficiency of the reasons which, in the opinion of the President of the United States, rendered it necessary to exercise the power vested in him by the Constitution, and to require an extra session of Congress; to enquire with scrupulous vigilance into the opinions and qualifications of those he had selected to aid him in the administration of the government; or to scan the propriety of his public acts. Since the performance on his part of the act which rendered it necessary in my judgment for you to assemble here, that distinguished individual has been suddenly cut off by the hand of providence from all participation in the affairs of men, and has ceased to be numbered among the living. And for one, whatever may have been my objections to his election, and they were strong, sincere, uncompromising and decided on principle, I am perfectly disposed to spread the veil which covers human imperfection on all his errors, without pretending that he had more than falls to the lot of other men; to do him the justice to suppose that in his official acts he was governed by a patriotic sense of public duty; and to remember his virtues only. But while I cheerfully accord to a distinguished and departed citizen, honesty of purpose, and a lofty attachment to principles which he no doubt believed to be correct, I should be unmindful of truth and forgetful of all the principles, upon the sacred observance of which I believe our happiness as a people depends, did I not distinctly aver that in political sentiments, so far as his have been expressed, or are to be inferred from his public acts, I differ with him, and most of those by whom he was elected, in almost every essential particular. And perhaps, after all, an honest difference of opinion candidly indulged, and confined within the limits of prudence, moderation and patriotism, affords the best guarantee for the continued preservation of our liberties and happiness.

It is impossible to recur to the signal dispensation of an all righteous Providence in the death of the late President of the United States, without being forcibly admonished of the extreme uncertainty of all the affairs of this fleeting and transitory life, and with the littleness and exceeding vanity of human ambition; and without being solemnly impressed with the momentous weight of the awful and instructive truth, that success in the accomplishment of the highest objects of earthly gratification, is but another step to that eternal and unchangeable state, to which magistrates and people are alike hastening; and where no distinctions are recognized but those that flow from excellence and virtue. What is to be the effect of this unexpected event upon the administration of the affairs, and the general policy of the government of the United States, for the remainder of the period for which General Harrison was elected, time, the great unfolders of events, can only determine.

The Vice President elect, will of course, according to the constitutional provision upon that subject, succeed to the powers and duties of the President of the United States for the term of four years from the fourth of March last.

From a general view of the present condition of the various departments of the public interest, I am not aware that any thing will imperiously require

the attention of the Legislature, except the subject which brought you together.

In your high public character, however, as representatives of the people, it will be entirely competent for you to embrace within the sphere of your deliberations any subject which, in your judgment, the public interest may require. But from the very short time which has elapsed since your last adjournment, and considering the busy and interesting season of the year at which it has become necessary to call you from your families and accustomed occupations; and especially, taking into view the important consideration of public economy, with a just sense of which I have no doubt you will be fully impressed, I entertain the confident expectation that your interest as citizens, and your duty as representatives, will alike indicate the necessity of prompt attention to the important subject which rendered it necessary for you to assemble, and of a speedy return to the bosom of your constituents.

A. P. BAGBY.

Mr Douglass moved to lay the message on the table; and that two thousand copies be printed.

A division of the question being called for, the vote was first taken on laying the message on the table, and carried. The vote was then taken on ordering two thousand copies to be printed, and carried.

YEAS—Messrs Speaker, Adams, Adrian, Alexander, Bell, Blackshear, Clemens, Cobb, Davis of A. Davis of B. Davis of L. Douglass, Fowler, Garrett, Griffin of M. Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McCoy, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Madison, Moore of Marion, Morris, Pynes, Randolph, Reynolds, Rice Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Sirode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.—50.

NAYS—Messrs Bates, Blount, Bowen, Bradley, Broughton, Campbell, Crenshaw, Davidson, Dixon, Foster, Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Murphy, Norris, Norwood, Peguene, Perkins, Peters, Peterson, Prince, Simmons, Womack and Young.—39.

And then the House adjourned until ten o'clock to-morrow morning.

WEDNESDAY, April 21, 1841.

The House met pursuant to adjournment.

Mr Ashurst, a representative from the county of Montgomery, Mr Hale, from the county of Cherokee, and Mr Spruill, from the county of Pickens, appeared in the Hall of the House of Representatives and took their seats.

Mr Speaker laid before the House a communication from the President of the Branch Bank at Mobile; which was read.

Mr Houston moved to lay the communication on the table, and print one hundred and fifty copies.

The question being divided, the vote was first taken to lay on the table, and carried. The vote was then taken to print and carried.

Mr Speaker, also laid before the House a communication from the Cashier of the Branch Bank at Mobile; which was read and ordered to lie on the table.

Accounts were presented by Messrs Mann, McCoy, Morris and Davis of L., they were severally read and referred to the committee on accounts.

Mr Little presented the petition of sundry citizens of Sumter county; which was read and referred to the delegation of Sumter.

Mr Winston of Sumter presented the petition of Norborne E. Chandler of Sumter; which was read and referred to the committee on propositions and grievances.

A message was received from the Governor by J. D. Bagby, his private secretary; which is as follows:

EXECUTIVE DEPARTMENT, }
Tuscaloosa, April 21, 1841. }

Sir—I have the honor to lay before the House of Representatives a list of appointments of officers made, to be filled by the General Assembly, since your last adjournment.

Very respectfully,

Signed,

A. P. BAGBY.

Hon. R. A. BAKER, Speaker of the House of Representatives.

Ordered, that said communication with the accompanying documents lie on the table.

Mr Rice, from the select committee, to whom was referred the bill making a more equal and just distribution of the banking capital of the State of Alabama, and for other purposes, reported a substitute in lieu thereof.

Mr Reynolds moved to lay the bill on the table, and to print one hundred copies.

The question being divided, the vote was first taken on laying the bill on the table, and carried. The vote was then taken to print and lost.

A message from the Senate by Mr Hill:

Mr Speaker—The Senate has passed bills of the following titles, to wit:

An act to authorize the commissioners court of Madison county to borrow money, not exceeding fifteen thousand dollars:

An act to repeal an act to incorporate the town of Linden, in the county of Marengo:

An act requiring the clerks of the circuit and county courts of Marengo county, to make and keep a reversed index in all causes decided in their respective courts, and for other purposes:

In which the concurrence of the House is requested.

Mr. STROUD offered the following preamble and joint resolutions:

Whereas, WILLIAM HENRY HARRISON, late President of the United States, has been cut off by an allwise and inscrutable Providence, from further participation in the affairs of men—in the administration of which, the voice of his country had called him to the most honorable and responsible position known to the nations of the earth. And whereas the bitterness of party strife, which marked the recent presidential canvass, had reference only to the political principles involved, or supposed to have been involved in that issue, and did by no means apply to the person of the illustrious citizen, over whose grave the nation now mourns; and who, having ceased to animate or participate in the angry and stormy contests of the hour, has left his name, not to any particular party, but to his whole country. His deeds in the field, his virtues as a man, and his renown as a statesman, can no longer be regarded as belonging only to those whose political views accorded with his own, but have passed to the possession of his whole country; and like the lives and actions of all our other great and good citizens, is added to swell the sum of our

national glory; and we mourn over him, not as the leader of a party, for as such we now express no opinion; but we lament the untimely death of the American President—not after the formal and ostentatious manifestations of grief, such as a bowed down and oppressed people are made to display, when a satrap's mandate bids them mourn that one despot has been exchanged for another: For here, although no public act orders a marble obelisk to arise, inscription-tongued to speak the words of flattery and sycophantic praise to after times, yet we present what wealth could never buy, what power could never extort,—what art can never imitate—the mighty and holy tribute of a nation's sorrow over the grave of an illustrious patriot. Therefore:

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That we unite with our country in bewailing the death of General WILLIAM HENRY HARRISON, late President of the United States, and that His Excellency the Governor, be requested to convey to the Widow of Gen. HARRISON an assurance of the sincere condolence of the State of Alabama, under the afflicting dispensation of Providence, which has marked her as chief mourner in a national visitation.

Be it resolved, That we will wear the usual badges of mourning for thirty days.

Which were adopted unanimously.

The yeas are as follows: Messrs. Speaker, Adams, Adrian, Ashurst, Bates, Bell, Blackshear, Blount, Bowen, Bradley, Broughton, Campbell, Clemens, Cobb, Crenshaw, Davenport, Davidson, Davis of A., Davis of Bibb, Davis of L., Dixon, Foster, Flemming, Fowler, Garrett, Griffin of M., Griffin of S., Hale, Hall, Hollinger, Houston, Hughes, Hunter, Hutchinson, Inge, Jemison, Jones, Kelly, Kidd, Kier, Landrum, Little, Mangum, Mallard, Mann, Marchbanks, McAlpin, McCoy, McClanahan, McCoy, McCullough, McGill, McLemore, McMillan of L., McMillan of J., Mitchell, Moore of Mad., Moore of Marion, Morris, Murphy, Norris, Norwood, Peguese, Perkins, Reynolds, Rice, Roberts, Russell, Saunders, Simmons, Smith of J., Smith of L., Spruill, Strode, Walker of R., Walker of L., Wann, Williams, Wilson, Winston of DeK., Winston of S., Womack, Wynn, and Young.

On motion of Mr Clemens,

Resolved, That for the purpose of manifesting a proper degree of respect to the memory of the late President, this House will adjourn until to-morrow morning nine o'clock.

And then the House adjourned until nine o'clock, to-morrow morning.

THURSDAY, April 22d, 1841.

The House met pursuant to adjournment.

William T. Shanks, a representative from the county of Barbour, and William B. Moores, a representative from the county of Marengo, appeared in the House and took their seats.

Mr Davis of L. presented the petition of sundry citizens of Limestone county, praying the Legislature to authorize the commissioners of Limestone county to levy a special tax for the purpose of building a jail, which was referred to the delegation from Limestone.

Mr Langdon presented a communication from a large meeting of the whig voters of Mobile, containing certain resolutions in relation to the General Ticket System, which was read. Mr Langdon moved that the communication be spread on the journal. The yeas and nays being demanded, the motion was lost. Yeas 36—Nays 53.

YEAS—Messrs Ashurst, Bates, Bell, Blount, Bowen, Bradley, Broughton, Campbell, Crenshaw, Davidson, Davis of B. Doster, Griffin of S. Hall, Hollinger, Inge, Jemison, Kidd, Langdon, Little, Mangum, Mann, McCoy, McGill, McLeMore, Mitchell, Moores, Murphy, Norris, Norwood, Peters, Peterson, Prince, Shanks, Simmons and Spruill.

NAYS—Messrs Speaker, Adams, Adrian, Alexander, Blackshear, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fleming, Fowler, Garrett, Griffin of M. Hale, Hill, Houston, Hughs, Hutchinson, Jones, Kelly, King, Mallard, Marchbanks, McCay, McClannahan, McCullough, McMillion of B. McMillion of J. Moore of Madison, Moore of Marion, Morris, Pynes, Randolph, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. Wynn and Young.

Mr Broughton presented the petition of sundry citizens of Monroe, praying a special session of Monroe circuit court, which was referred to the delegation from Monroe.

Mr Hunter presented the petition of Rolin Smith and W. H. Tarrann, citizens of Autauga county, praying to be attached to the county of Lowndes, which was read and referred to the delegations of Autauga and Lowndes.

Messrs McLeMore and Hunter presented accounts. They were read and referred to the committee on accounts.

Mr Reynolds, from the select committee to whom was referred the petition of sundry citizens of Franklin county, reported a bill to authorize the owners of the Steam mill on Poplar creek in Franklin county to charge the sixth for toll for grinding; which was read and ordered to a second reading.

Bills from the Senate, of the following titles, to wit:

An act requiring the clerks of the circuit and county courts of Marengo county to keep a reversed index in all causes decided in their respective courts, and for other purposes:

An act to repeal an act entitled an act to incorporate the town of Linden, in the county of Marengo:

An act to authorize the commissioners court of Madison county to borrow money, not exceeding fifteen thousand dollars; were severally read and ordered to a second reading.

Mr Bates introduced a bill to be entitled an act to amend the charters of the Bank of Mobile, and the Planters and Merchants Bank of Mobile: which was read the first time, the constitutional rule being dispensed with, it was read the second time forthwith, and referred to the committee on the State Bank and Branches.

Mr Hutchinson introduced a bill to be entitled an act to provide for electing representatives to the next Congress of the United States; which was read the first time.

Mr Bates moved to postpone the further consideration of the bill until tomorrow at eleven o'clock, and make it the special order of the day for its second reading; which was lost.

Mr Winston of DeK. moved to suspend the constitutional rule, and give the bill its second reading forthwith; which was lost. Yeas 45—Nays 28. The yeas and nays being demanded,

Those who voted in the affirmative, are messrs Speaker, Adams, Adrian, Alexander, Blackshear, Bowen, Broughton, Clemens, Cobb, Davis of A. Davis of B. Davis of L. Dixon, Douglass, Fowler, Garrett, Griffin of M. Hale,

Hill, Hollinger, Houston, Hughs, Inge, Jones, Kelly, King, Langdon, Little, Mangum, Mallard, Marchbanks, McAlpin, McCay, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of mad. Moore of marion, Morris, Murphy, Norris, Peterson, Pynes, Randolph, Reynolds, Rice, Roberts, Russell, Saunders, Shanks, Simmons, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. Womack, Wynn and Young.

Those who voted in the negative, are messrs Ashurst, Bates, Bell, Blount, Bradley, Campbell, Crenshaw, Davidson, Doster, Fleming, Griffin of S. Hale, Hunter, Hutchinson, Jemison, Kidd, Langdon, Mangum, McCoy, McGill, McLemore, Mitchell, Moores, Norwood, Perkins, Peters, and Prince.

The bill was ordered to a second reading.

Mr Walker of L. introduced a bill to provide for a special election for electing members of the twenty-seventh Congress, which was read. Mr Walker of L. then moved to suspend the constitutional rule, and read it a second time forthwith, which was lost. Yeas 50—Nays 44. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs Speaker, Adams, Adrian, Alexander, Blackshear, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Garrett, Griffin of M. Hale, Hill, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McCay, McClannahan, McCullough, McMillion of B. McMillion of J. Moore of madison, Moore of marion, Morris, Pynes, Randolph, Reynolds, Rice, Roberts, Russell, Saunders, Simmons, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

Those who voted in the negative, are messrs Ashurst, Bates, Bell, Blount, Bowen, Bradley, Broughton, Campbell, Crenshaw, Davenport, Davidson, Davis of B. Doster, Fleming, Griffin of S. Hall, Hollinger, Houston, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Perkins, Peters, Peterson, Prince, Shanks, Spruill, Womack and Young.

The bill was ordered to a second reading to-morrow.

Mr Smith of L. moved that the bill be made the special order of the day for its second reading to-morrow at twelve o'clock. A division of the question being called; the question was first taken on ordering the bill to a second reading to-morrow, and carried. The question was then on making the bill the special order for to-morrow, ten o'clock, and lost. Yeas 43—Nays 50. The yeas and nays being demanded,

Those who voted in the affirmative, are messrs Speaker, Adams, Adrian, Alexander, Blackshear, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Griffin of M. Hale, Hill, Hughs, Jones, Kelly, King, Marchbanks, McCay, McClannahan, McCullough, McMillion of B. McMillion of J. Moore of madison, Moore of marion, Morris, Pynes, Randolph, Reynolds, Roberts, Russell, Saunders, Smith of J. Smith of L. Walker of B. Walker of L. Wann, Williams, Wilson, Winston of S. and Wynn.

Those who voted in the negative, are messrs Ashurst, Bates, Bell, Blount, Bowen, Bradley, Broughton, Campbell, Clemens, Crenshaw, Davenport, Davidson, Davis of B. Doster, Fleming, Garrett, Griffin of S. Hall, Hollinger, Houston, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, Mallard, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell,

Moores, Murphy, Norris, Norwood, Perkins, Peters, Prince, Rice, Shanks, Simmons, Spruill, Strode, Winston of DeK. Womack and Young.

Mr Moores offered the following resolution:

Resolved, That with the concurrence of the Senate, this House will adjourn on Saturday, the twenty-fourth instant, *sine die*.

Mr Clemens moved that the resolution lie on the table; which was carried. Yeas 48—Nays 43. The yeas and nays being demanded,

Those who voted in the affirmative, are messrs Speaker, Adrian, Alexander, Blackshear, Blount, Clemens, Cobb, Davis of L. Dixon, Douglass, Fowler, Hale, Hill, Hughs, Jemison, Jones, Kelly, King, Mallard, Marchbanks, McCay, McClannahan, McCullough, McLemore, McMillion of B. McMillion of J. Moore of madison, Moore of marion, Perkins, Pynes, Randolph, Reynolds, Rice, Roberts, Russell, Saunders, Shanks, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. and Wynn.

Those who voted in the negative, are messrs Adams, Ashurst, Bates, Bell, Bowen, Bradley, Broughton, Campbell, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Doster, Fleming, Griffin of M. Griffin of S. Hall, Hollinger, Houston, Hunter, Hutchinson, Inge, Kidd, Langdon, Little, Mangum, Mann, McCoy, McGill, Mitchell, Moores, Morris, Murphy, Norris, Norwood, Peters, Prince, Simmons, Spruill, Winston of S. Womack and Young.

Mr Saunders introduced a bill to repeal the law requiring the alternation of the judges of the circuit courts: which was read and ordered to a second reading.

Mr Saunders introduced a bill to audit the accounts of the Tennessee canal commissioners; which was read and ordered to a second reading.

Mr Saunders introduced a bill in relation to forfeitures in State cases; which was read and ordered to a second reading.

Mr Saunders introduced a bill for the relief of Elizabeth Morris, amendatory of an act approved January 9th, 1836; which was read.

Mr Hutchinson moved to suspend the constitutional rule, and give the bill its second reading forthwith; which was carried. Yeas 51—Nays 36. The yeas and nays being demanded,

Those who voted in the affirmative, are messrs Speaker, Adams, Adrian, Alexander, Blackshear, Campbell, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fleming, Fowler, Griffin of M. Hale, Hunter, Hutchinson, Kelly, King, Mangum, Mallard, Marchbanks, McCay, McClannahan, McCullough, McGill, McMillion of B. Mitchell, Moore of madison, Morris, Norwood, Perkins, Peterson, Pynes, Randolph, Reynolds, Roberts, Russell, Saunders, Shanks, Simmons, Smith of J. Spruill, Strode, Walker of B. Walker of L. Wann, Wilson, Winston of DeK. and Wynn.

Those who voted in the negative, are messrs Ashurst, Bates, Bell, Blount, Bowen, Bradley, Broughton, Crenshaw, Davenport, Davis of B. Doster, Griffin of S. Hall, Hill, Hollinger, Hughs, Inge, Jemison, Jones, Kidd, Langdon, Little, Mann, McLemore, McMillion of J. Moore of marion, Moores, Murphy, Norris, Peguese, Peters, Prince, Rice, Smith of L. Womack and Young.

The bill was ordered to a second reading.

Mr Shanks introduced a bill requiring the judge of the county court of Bar-

bour county, to reside at or within three miles of the court house of said county; which was read and ordered to a second reading.

Mr Griffin of S. introduced a bill to amend, revise and compile the school laws in this State; which was read and ordered to a second reading.

On motion of Mr Griffin of S.

Resolved, That the committee on the State Bank and Branches be instructed to inquire into the expediency of the several Banks of this State making some discounts to relieve the distresses of a suffering community; also, to allow the president and directors of the several Banks of this State further time for the resumption of specie payments, with leave to report by bill or otherwise.

A message from the Senate by Mr Hill, their secretary:

Mr Speaker—The Senate has passed bills of the following titles, which originated in the Senate, to wit.

An act to amend an act entitled an act authorizing the election of an assessor and tax collector for the county of Benton:

An act to change certain election precincts therein named:

An act to regulate judicial proceedings in the county court of Mobile county:

An act abolishing a certain election precinct therein named:

An act to authorize clerks of the county courts of the several counties in this State to sue on stray bonds in the beat in which the court house is situated:

An act to repeal in part an act entitled an act to incorporate the town of Decatur, in the county of Morgan, approved 9th of January, 1841:

In which they ask the concurrence of the House of Representatives.

The Senate has adopted unanimously, a memorial and joint resolutions in relation to the death of the President of the United States, which originated in the House of Representatives.

Mr Jemison offered the following resolution:

Resolved, That the committee on the State Bank and Branches be instructed to inquire, and report by bill or otherwise, if the best interests of the State do not require a change of its present banking system; and the closing or liquidation of the business of some or all of the State Banks.

Mr Hutchinson moved the following amendment: strike out all after the word *Resolved*, and insert 'That the committee on the State Bank and Branches be instructed to report to this Legislature, a plan or plans, for winding up and closing the Banks and Branches of the Bank of this State, and to report in lieu thereof, a system of supplying a sound currency to the people of this State, and that said committee report to this House by bill.'

Mr McGill moved to lay the resolution and amendment on the table, which which was lost. Yeas 29—Nays 62.

YEAS—Messrs Speaker, Alexander, Blackshear, Cobb, Davis of A. Davis of L. Douglass, Fowler, Griffin of M. Hall, King, Marchbanks, McAlpin, McCay, McCoy, McCullough, McGill, McMillion of B. Moore of madison, Moores, Peterson, Randolph, Spruill, Walker of L. Wann, Wilson, Womack, Wynn and Young.

NAYS—Messrs Adams, Adrian, Ashurst, Bates, Bell, Blount, Bowen, Bradley, Broughton, Clemens, Campbell, Crenshaw, Davenport, Davidson, Davis of B. Dixon, Doster, Fleming, Griffin of S. Hale, Hill, Hollinger, Hughs, Hunter, Hutchinson, Inge, Jemison, Jones, Kelly, Kidd, Langdon, Little, Mangum, Mallard, Mann, McClanahan, McMillion of J. Mitchell, Moore of marion, Morris, Murphy, Norris, Norwood, Peguese, Perkins,

Peters, Prince, Pynes, Reynolds, Rice, Roberts, Russell, Saunders, Shanks, Simmons, Smith of J. Smith of L. Stone, Strode, Walker of B. and Winston of DeK.

The question was on Mr Hutchinson's amendment, and lost. Yeas 23—Nays 63.

YEAS—Messrs Adrian, Ashurst, Blount, Bowen, Crenshaw, Davenport, Davis of B. Doster, Fleming, Hill, Hutchinson, Langdon, Little, Moore of marion, Norris, Peguese, Prince, Pynes, Rice, Russell, Smith of L. Stone and Womack.

NAYS—messrs Speaker, Adams, Alexander, Bates, Bell, Blackshear, Bradley, Broughton, Campbell, Clemens, Cobb, Davidson, Davis of A. Dixon, Douglass, Fowler, Griffin of M. Griffin of S. Hale, Hall, Hollinger, Hughes, Hunter, Inge, Jemison, Jones, Kelly, Kidd, King, Mangum, Mallard, Mann, Marchbanks, McAlpin, McCoy, McClanahan, McCoy, McCullough, McGill, McMillion of B. McMillion of J. Mitchell, Moore of marion, Morris, Norwood, Perkins, Randolph, Reynolds, Roberts, Saunders, Shanks, Simmons, Smith of J. Spruill, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Wynn and Young.

Mr Rice moved that the resolution be indefinitely postponed; which was lost. Yeas 29—Nays 63.

YEAS—Messrs Speaker, Adrian, Alexander, Cobb, Davis of A. Davis of L. Douglass, Fowler, Garrett, Griffin of M. Hall, Hill, Hughes, Kelly, King, Marchbanks, McCay, McCoy, McCullough, McGill, McMillion of B. Moore of madison, Peterson, Randolph, Rice, Spruill, Walker of B. Walker of L. and Wann.

NAYS—Messrs Adams, Ashurst, Bates, Bell, Blackshear, Blount, Bowen, Broughton, Campbell, Clemens, Crenshaw, Davenport, Davidson, Davis of B. Dixon, Doster, Fleming, Griffin of S. Hale, Hollinger, Houston, Hunter, Hutchinson, Inge, Jemison, Jones, Kidd, Langdon, Little, Mangum, Mallard, Mann, McAlpin, McClanahan, McMillion of J., Mitchell, Moore of marion, Morris, Murphy, Norris, Norwood, Peguese, Perkins, Peters, Prince, Pynes, Reynolds, Roberts, Russell, Saunders, Shanks, Simmons, Smith of J. Smith of L. Stone, Strode, Williams, Wilson, Winston of DeK. Winston of S. Womack, Wynn and Young.

Mr Rice moved to amend by inserting the words 'the first day of August next,' after the word 'report.'

Mr Winston of DeK. moved to amend as follows: 'And that the said committee further inquire into the expediency of altering the present mode of electing the President and Directors of the State Bank and its Branches.'

Mr Langdon moved that the House adjourn until to-morrow morning, ten o'clock; which was lost. Yeas 31—Nays 62.

YEAS—messrs Adrian, Ashurst, Bates, Bowen, Broughton, Campbell, Davenport, Davis of L. Garrett, Griffin of S. Houston, Inge, Langdon, Mangum, McAlpin, McCay, McClanahan, McCoy, McCullough, McGill, McLe-more, Moores, Morris, Murphy, Peguese, Perkins, Prince, Reynolds, Russell, Womack and Young.

NAYS—messrs Speaker, Adams, Alexander, Bell, Blackshear, Blount, Clemens, Cobb, Crenshaw, Davidson, Davis of A. Davis of B. Dixon, Douglass, Fleming, Fowler, Griffin of M. Hale, Hall, Hill, Hollinger, Hughes, Hunter, Hutchinson, Jemison, Jones, Kelly, Kidd, King, Little, Mallard, Mann, Marchbanks, McMillion of B. McMillion of J. Mitchell, Moore of madison,

Moore of Marion, Norris, Norwood, Peters, Peterson, Pynes, Randolph, Rice, Roberts, Saunders, Shanks, Simmons, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

The question then recurred on Mr Winston's amendment, and lost. Yeas 20—Nays 70.

YEAS—messrs Alexander, Davis of A. Dixon, Douglass, Fowler, Hale, Hill, Kelly, Mallard, Marchbanks, McClanahan, McMillion of J. Morris, Roberts, Smith of L. Stone, Williams, Wilson, Winston of DeK. and Winston of S.

NAYS—messrs Speaker, Adams, Adrian, Ashurst, Bates, Bell, Blackshear, Blount, Bowen, Broughton, Campbell, Clemens, Cobb, Crenshaw, Davidson, Davis of B. Davis of L. Doster, Fleming, Garrett, Griffin of M. Griffin of S. Hollinger, Hughs, Hunter, Hutchinson, Inge, Jemison, Jones, Kidd, King, Langdon, Little, Mangum, Mann, McAlpin, McCay, McCoy, McCullough, McGill, McMillion of B. Mitchell, Moore of Madison, Moore of Marion, Moores, Norris, Norwood, Peguese, Perkins, Peters, Peterson, Prince, Pynes, Randolph, Reynolds, Rice, Russell, Saunders, Shanks, Simmons, Smith of J. Spruill, Strode, Walker of B. Walker of L. Wann, Womack, Wynn and Young.

The question then was on the adoption of the resolution, and carried. Yeas 62—Nays 23.

YEAS—Messrs Adams, Adrian, Alexander, Ashurst, Bates, Bell, Blackshear, Blount, Bowen, Campbell, Clemens, Crenshaw, Davis of B. Dixon, Doster, Fleming, Griffin of S. Hale, Hill, Hughs, Hutchinson, Jemison, Jones, Kelly, Kidd, Langdon, Little, Mangum, Mallard, Mann, McAlpin, McClanahan, McLemore, McMillion of J. Mitchell, Moore of Marion, Morris, Norris, Norwood, Peguese, Perkins, Peters, Prince, Pynes, Reynolds, Roberts, Russell, Saunders, Shanks, Simmons, Smith of J. Smith of L. Winston of DeK. Winston of S. Womack, Wynn and Young.

NAYS—messrs Speaker, Cobb, Davis of A. Davis of L. Douglass, Fowler, Garrett, Griffin of M. Hall, Houston, King, Marchbanks, McCay, McCoy, McCullough, McGill, McMillion of B. Moore of Madison, Peterson, Randolph, Rice, Stone and Walker of L.

Mr Walker of B. introduced a bill to amend an act entitled an act to organize and establish separate courts of chancery, approved, January 26, 1839; which was read a first time and ordered to a second reading.

Mr Hollinger introduced a bill to provide for the liquidation of the affairs of the Bank of the State of Alabama and its Branches; which was read.

Mr Hollinger then moved that the bill be laid on the table, and that one hundred copies be printed.

A division of the question being called for, it was first taken on laying the bill on the table, and carried. The question was then taken on ordering one hundred copies to be printed, and lost.

And then the House adjourned until to-morrow morning, ten o'clock.

FRIDAY, April 23, 1841.

The House met pursuant to adjournment.

Mr Bell presented the petition of sundry citizens of Conecuh county; which was read and referred to the delegation from the first and tenth judicial circuits.

Messrs McLemore, Jemison, Perkins, Douglass and Bates, presented accounts. They were severally read and referred to the committee on accounts.

Mr Mangum presented the petition of sundry citizens of Russell county in relation to the seat of justice in said county; which was read and referred to the delegation from Russell and Barbour.

Mr Stone presented the letter of Robert Espy, praying that the election precinct at his house be discontinued; which was read and referred to the committee on privileges and elections.

Mr Hill made the following report: The committee on accounts, to which was referred the account of Watkins & Sellers, have had the same under consideration, and have instructed me to report that it is inexpedient to legislate on the subject, as there are appropriations already made for that purpose, and ask leave to be discharged from the further consideration of the same. Ordered, that said report lie on the table.

Mr Moore of Madison, from the committee on the State Bank and Branches, to which was referred the petition of sundry citizens of Franklin county, reported that the prayer of the petitioners is unreasonable, and ought not to be granted; in which report the House concurred.

Mr Little, from the select committee, to which was referred several petitions from the citizens of township twenty-three, in the county of Sumter, reported a bill for the relief of the estate of George Clanton, deceased; which was read and ordered to a second reading.

Mr Jones, from the special committee, composed of the delegation from the first and tenth judicial circuits, to whom was referred the petition of sundry citizens of Conecuh county, reported a bill to add Washington county to the tenth judicial circuit, and for other purposes; which was read, and the rule requiring bills to be read on three several days being dispensed with, it was read the second and third times forthwith, considered as engrossed, and passed. Ordered, that the title be as aforesaid.

Ordered, that the same be sent to the Senate for their concurrence.

Mr Moore of Madison, from the committee on the State Bank and Branches, to which was referred the bill to amend the charters of the Bank of Mobile, and the Planters' and Merchants' Bank of Mobile, reported the same without amendment, and the rule requiring bills to be read on three several days being dispensed with, it was read a third time, considered as engrossed, and passed. Yeas 76—Nays 17.

Those who voted in the affirmative, are Messrs Speaker, Adrian, Ashurst, Bates, Bell, Blackshear, Blount, Bowen, Bradley, Broughton, Campbell, Cobb, Crenshaw, Davidson, Davis of A. Davis of B. Doster, Fleming, Fowler, Garrett, Griffin of M. Griffin of S. Hale, Hall, Hollinger, Houston, Hunter, Hutchinson, Inge, Jemison, Jones, Kidd, King, Langdon, Little, Mangum, Mann, McAlpin, McCay, McCoy, McCullough, McGill, McLemore, McMillion of B. McMillion of J. Mitchell, Moore of Madison, Moores, Morris, Murphy, Norris, Norwood, Peguese, Perkins, Peters, Peterson, Prince, Pynes, Randolph, Reynolds, Rice, Roberts, Russell, Saunders, Shanks, Simmons, Smith of J. Spruill, Walker of B. Walker of L. Wann, Williams, Winston of DeK. Womack, Wynn and Young.

Those who voted in the negative, are Messrs Adams, Alexander, Clemens, Davis of L. Dixon, Douglass, Hill, Hughs, Kelly, Mallard, Marchbanks, McClanahan, Moore of Marion, Smith of L. Stone, Wilson and Winston of S.

Ordered, that the title be as aforesaid. Ordered, that the same be sent to the Senate for their concurrence.

Mr Mangum, from the select committee, to which was referred the petition of sundry citizens of Russell county, reported a bill to establish the permanent seat of justice for the county of Russell; which was read, and the rule requiring bills to be read on three several days being dispensed with, it was read a second and third times forthwith, considered as engrossed, and passed. Ordered, that the title be as aforesaid.

Ordered, that the same be sent to the Senate for their concurrence.

Mr Spruill introduced a bill to divorce William Eatman from his wife Sarah Eatman; which was read and ordered to a second reading.

Mr Wynn, from the select committee, to which was referred the petition of sundry citizens of Limestone county, reported a bill to levy a special tax in the county of Limestone; which was read and ordered to a second reading.

A message from the Senate by Mr Hill, their secretary:

Mr Speaker—The Senate has passed bills of the following titles:

An act to amend the charters of the Bank of Mobile, and the Planters' and Merchants' Bank of Mobile:

An act to abolish encampment drills in the tenth brigade, ninth division of Alabama militia:

An act to repeal in part an act in relation to sixteenth sections, approved, third February, 1840:

An act for the collection of taxes in the county of Marengo:

An act attaching the county of Lowndes to the second chancery district of the southern division:

An act in relation to prairie roads in the counties of Montgomery and Lowndes:

An act in relation to the sixteenth sections in township ten, range five, in the county of Wilcox:

An act to extend the provisions of the first section of an act entitled an act to extend the time of indebtedness to the Bank of the State of Alabama and its several Branches, and for other purposes, approved, June 30, 1837:

An act to compensate the commissioners of roads and revenue in the county of Wilcox:

An act to repeal a portion of the charter of the city of Mobile:

The Senate has adopted joint resolutions of the Legislature of the State of Alabama in General Assembly convened:

All of which originated in the Senate; in which the concurrence of the House of Representatives is requested:

The Senate has also passed a bill, which originated in the House of Representatives, entitled an act to amend and explain an act entitled an act to authorize the commissioners of township sixteen, range seventeen, of Montgomery county, to erect a suitable building for an academy.

Mr Rice called up the bill to provide for the removal of the Branch of the Bank of the State of Alabama at Decatur, and for other purposes. Yeas 53—Nays 38.

Those who voted in the affirmative, are messrs Adrian, Alexander, Ashurst, Bell, Blackshear, Bradley, Broughton, Campbell, Davidson, Davis of B. Dixon, Doster, Douglass, Fleming, Garrett, Hale, Hall, Hill, Hollinger, Houston, Hunter, Hutchinson, Inge, Jemison, Jones, Kidd, Langdon, Little, Mangum, Mann, McAlpin, McCoy, McGill, McLemore, Moores, Murphy,

Norris, Norwood, Peguese, Perkins, Peters, Prince, Pynes, Rize, Roberts, Shanks, Simmons, Smith of L. Spruill, Stone, Winston of S. Wernack and Young.

Those who voted in the negative, are messrs Speaker, Adams, Blount, Bowen, Clemens, Cobb, Crenshaw, Davis of A. Davis of L. Fowler, Griffin of M. Griffin of S. Hughs, Kelly, King, Mallard, Marchbanks, McCay, McClanahan, McCullough, McMillion of B. McMillion of J. Mitchell, Moore of Madison, Morris, Peterson, Randolph, Reynolds, Russell, Saunders, Smith of J. Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. and Wynn.

A message from the Senate by Mr Clithera!!:

Mr Speaker—The Senate has adopted the following resolution:

Resolved, by the Senate, (with the concurrence of the House of Representatives,) That the two Houses of this General Assembly will convene in the Hall of the House of Representatives on Saturday next; at the hour of twelve o'clock, M. for the purpose of electing a judge of the first judicial circuit.

In which the concurrence of the House of Representatives is requested.

The House proceeded to the orders of the day.

Bills from the Senate, of the following titles:

An act authorizing the election of an assessor and tax collector for the county of Benton:

An act to repeal in part an act in relation to sixteenth sections, approved February 3d, 1840:

Were severally read the first time, and the constitutional rule requiring bills to be read on three several days being dispensed with, they were read the second and third times forthwith and passed. Ordered, that their titles be as aforesaid.

Ordered, that the clerk acquaint the Senate therewith.

Bills from the Senate, of the following titles:

An act to regulate judicial proceedings in the county court of Mobile county:

An act to repeal in part an act entitled an act to incorporate the town of Decatur, in the county of Morgan, approved 9th January, 1841:

An act to authorize the clerks of the county courts of the several counties of this State, to sue on stray bonds in the beat in which the court house is situated:

An act abolishing a certain election precinct therein named:

An act to change certain election precincts therein named:

Were severally read and ordered to a second reading.

The bill from the Senate to repeal a portion of the charter of the city of Mobile, was read. Mr Langdon moved to lay the bill on the table; which was lost. Yeas 27—Nays 57.

Those who voted in the affirmative, are messrs Bates, Bell, Bradley, Campbell, Doster, Griffin of S. Hall, Hollinger, Hunter, Inge, Langdon, Little, Mangum, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell. Moore of Marion, Moores, Murphy, Peguese, Perkins, Prince, Simmons and Young.

Those who voted in the negative, are messrs Speaker, Adams, Adrian, Alexander, Ashurst, Blackshear, Bowen, Broughton, Clemens, Cobb, Crenshaw, Davidson, Davis of A. Davis of L. Dixon, Douglass, Fleming, Fowler, Griffin of M. Hale, Hill, Houston, Hughs, Hutchinson, Jemison, Jones, Kelly, King, Mallard, Marchbanks, McCay, McClanahan, McCul-

lough, McMillion of B. McMillion of J. Moore of mad. Morris, Norris, Norwood, Pynes, Randolph, Reynolds, Rice, Russell, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

Mr Little moved that the bill be indefinitely postponed; which was lost. Yeas 35—Nays 57.

Those who voted in the affirmative, are messrs Ashurst, Bates, Bell, Bowen, Bradley, Broughton, Campbell, Davidson, Doster, Griffin of S. Hall, Hollinger, Hunter, Inge, Jemison, Jones, Kidd, Langdon, Little, Mangum, Mann, McCoy, McLemore, Mitchell, Moore of marion, Moores, Murphy, Peguese, Perkins, Peters, Peterson, Prince, Spruill, Womack and Young.

Those who voted in the negative, are messrs Speaker, Adams, Adrian, Alexander, Blount, Clemens, Cobb, Crenshaw, Davis of A. Davis of B. Davis of L. Dixon, Douglass, Fleming, Fowler, Griffin of m. Hale, Hill, Houston, Hughs, Hutchinson, Kelly, King, Mallard, Marchbanks, McAlpin, McCay, McClanahan, McCullough, McGill, McMillion of B. McMillion of J. Moore of madison, Morris, Norris, Norwood, Pynes, Randolph, Reynolds, Rice, Roberts, Russell, Saunders, Shanks, Simmons, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

Mr Langdon moved that the bill be postponed until Monday next; which was carried.

A message from the Senate by Mr Hill:

Mr Speaker—The Senate has passed bills which originated in the Senate, of the following titles, to wit:

An act for a special election for electing members to the twenty-seventh Congress, and for other purposes:

An act for the relief of E. K. Miller, deceased, and other purposes:

In which they ask the concurrence of the House of Representatives.

Mr Saunders moved to lay the first message from the Senate on the table, with the view to take up the second one; which was agreed to. Yeas 50—Nays 41.

Those who voted in the affirmative, are messrs Speaker, Adams, Adrian, Alexander, Blackshear, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Griffin of m. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McCay, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of mad. Moore of marion, Morris, Pynes, Randolph, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of B. Walker of L., Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

Those who voted in the negative, are messrs Ashurst, Bates, Bell, Blount, Bowen, Bradley, Broughton, Campbell, Crenshaw, Davidson, Davis of B. Doster, Fleming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Perkins, Peters, Peterson, Prince, Shanks, Womack and Young.

Mr McGill moved that the House adjourn until nine o'clock, to-morrow; which was lost. Yeas 34—Nays 58.

Those who voted in the affirmative, are messrs Adams, Ashurst, Bates, Bell, Bowen, Broughton, Campbell, Crenshaw, Davis of B. Griffin of S. Hale, Hall,

Hollinger, Hunter, Hutchinson. Inge, Jemison, Kidd, Langdon, Little, Mangum, Mann, McCoy, McGill, McLemore, Morris, Norris, Perkins, Prince, Russell, Shanks, Simmons, Womack and Young.

Those who voted in the negative, are messrs Speaker, Adrian, Alexander, Blackshear, Blount, Bradley, Clemens, Cobb, Davidson, Davis of A. Davis of L. Dixon, Doster, Douglass, Fleming, Fowler, Griffin of M. Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McAlpin, McCay, McClanahan, McCullough, McMillion of B. McMillion of J. Mitchell, Moore of Madison, Moore of Marion, Morris, Murphy, Norwood, Peguese, Peterson, Pynes, Randolph, Reynolds, Rice, Roberts, Saunders, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

The bill from the Senate, entitled an act for a special election for electing members to the twenty-seventh Congress, and for other purposes, was read the first time.

Mr Mann moved that the House adjourn until to-morrow morning, nine o'clock; which was lost. Yeas 33—Nays 53.

Those who voted in the affirmative, are messrs. Ashurst, Bates, Bell, Bowen, Broughton, Campbell, Crenshaw, Davis of B. Doster, Fleming, Fowler, Griffin of S. Hale, Hall, Hollinger, Hunter, Hutchinson, Jemison, Kidd, Langdon, Mangum, Mann, McCoy, McGill, McLemore, Mitchell, Moores, Norris, Perkins, Peters, Prince, Shanks and Womack.

Those who voted in the negative, are messrs Speaker, Adrian, Blackshear, Blount, Bradley, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Griffin of M. Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McAlpin, McCay, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Madison, Moore of Marion, Morris, Murphy, Norwood, Peguese, Pynes, Randolph, Reynolds, Rice, Roberts, Saunders, Simmons, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. Wynn and Young.

The House resumed the consideration of the bill entitled an act for a special election for electing members to the twenty-seventh Congress, and for other purposes.

Mr McGill moved that the bill be postponed until Monday next, which was lost. Yeas 22—Nays 60.

Those who voted in the affirmative, are messrs Bates, Bell, Bowen, Broughton, Campbell, Crenshaw, Davis of B. Doster, Griffin of S. Hall, Hollinger, Kidd, Langdon, Mangum, Mann, McCoy, McGill, McLemore, Mitchell, Moores, Perkins, and Prince.

Those who voted in the negative, are messrs Speaker, Adams, Adrian, Alexander, Ashurst, Blackshear, Blount, Bradley, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fleming, Fowler, Garrett, Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Little, Mallard, Marchbanks, McAlpin, McCay, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Madison, Moore of Marion, Morris, Murphy, Norwood, Pynes, Randolph, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. Wynn and Young.

The bill was ordered to a second reading.

And then the House adjourned until to-morrow morning, nine o'clock.

SATURDAY, April 24, 1841.

The House met pursuant to adjournment.

Messrs Saunders and Perkins presented accounts. They were severally read and referred to the committee on accounts.

Mr Bates called up the bill for the liquidation of the affairs of the Bank of the State of Alabama and its Branches. It was ordered to a second reading.

The bill from the Senate, for the relief of E. K. Miller and others, was read the first and second time forthwith, and referred to a select committee; whereupon, messrs Walker of B. and Little, were appointed said committee.

Bills from the Senate of the following titles:

An act in relation to prairie roads in the counties of Montgomery and Lowndes:

An act to compensate the commissioners of roads and revenue in the county of Wilcox:

An act in relation to the sixteenth section in township ten, of range five, in the county of Wilcox:

An act to prevent frauds in elections:

An act to incorporate the Stockton steamboat and warehouse company, in the county of Baldwin:

An act to amend the laws in regard to limitations of actions:

An act to incorporate the Tailor's press and warehouse company:

An act to compel executors and administrators to perfect titles to land in certain cases:

An act for the relief of William Taylor and Abner McGehee:

An act to incorporate a male academy at Midway, in the county of Macon:

An act for the benefit of J. Henri Hottinguer:

An act regulating sheriffs fees:

Were severally read, and ordered to a second reading.

The bill from the Senate to amend the charters of the Bank of Mobile, and the Planters and Merchants Bank of Mobile, was read the first time; and the rule requiring bills to be read on three several days being dispensed with, it was read the second and third times forthwith, and passed. Yeas 63—Nays 15. The yeas and nays being desired,

Those who voted in the affirmative, are messrs Speaker, Adams, Adrian, Bates, Bell, Blackshear, Blount, Bowen, Bradley, Broughton, Campbell, Cobb, Crenshaw, Davidson, Davis of A. Doster, Fowler, Griffin of M. Griffin of S. Hall, Hollinger, Houston, Hunter, Hutchinson, Inge, Jones, Kidd, King, Langdon, Little, Mangum, Mann, McAlpin, McCay, McCullough, McLemore, McMillion of B. McMillion of J. Moore of Madison, Moores, Murphy, Norris, Norwood, Perkins, Prince, Pynes, Randolph, Reynolds, Rice, Russell, Saunders, Shanks, Simmons, Smith of J. Spruill, Stone, Walker of B. Walker of L. Wann, Williams, Winston of DeK. Wynn and Young.

Those who voted in the negative, are messrs Alexander, Clemens, Davis of L. Dixon, Douglass, Garrett, Hale, Hill, Hughs, Mallard, Marchbanks, McClanahan, Moore of Marion, Strode, Smith of L. and Wilson.

Ordered, that the title be as aforesaid.

Ordered, that the clerk acquaint the Senate therewith.

The message from the Senate, proposing to go into the election of a judge and solicitor, was taken up; and then ordered to lie on the table.

Mr Hunter presented the letter of John Martin, president of the Branch Bank at Montgomery. It was read and referred to the committee on the State Bank.

Joint resolutions, from the Senate, of the Legislature of the State of Alabama, in General Assembly convened, were read.

Mr Hutchinson moved that it lie on the table; which was lost.

Mr Mann moved to refer it to a select committee; whereupon, messrs Mann, Rice and Spruill, were appointed said committee.

The bill from the Senate, attaching the county of Lowndes to the second chancery district of the southern division, was laid on the table.

The bill to abolish encampment drills in the tenth brigade and ninth division of Alabama militia, and for other purposes, was read, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith.

Mr Moore of madison, moved to amend by an additional section, which was adopted; and the rule being further dispensed with, it was then read the third time and passed. Ordered, that the title be as aforesaid.

Ordered, that the clerk acquaint the Senate therewith.

Mr Bates called up the communication from the cashier of the Branch Bank at Mobile. It was forthwith sent to the Senate.

Mr Strode presented the petition of sundry citizens of the town of Decatur. It was read and referred to the delegation from Morgan.

Mr Murphy from the judiciary committee, to whom was referred the petition of sundry citizens of Greene county, reported that it is inexpedient to legislate on the subject at this session of the Legislature; in which report the House concurred.

The same committee to whom was referred the petition of sundry citizens of Dallas county, reported the same as inexpedient; in which report the House concurred.

Mr Wynn, from the committee on roads, bridges, and ferries, to which was referred the petition of sundry citizens of Jackson county, reported that it is inexpedient to legislate on the subject at this time; in which report the House concurred.

Mr Bates introduced a bill for the relief of Charles A. Hoppin; which was read the first time, and made the special order of the day for its second reading on Monday next.

Mr Walker, from the select committee to which was referred the bill from the Senate, for the relief of E. K. Miller and others, reported an amendment, which was adopted; and the rule requiring bills to be read on three several days being dispensed with, it was read the third time forthwith, and passed. Ordered, that the title be as aforesaid.

Ordered, that the clerk acquaint the Senate therewith.

The bill to provide for the removal of the Branch of the Bank of the State of Alabama at Decatur, and for other purposes, being under consideration, Mr Rice moved to suspend the orders of the day, which was lost. Yeas 39—Nays 48. The yeas and nays being desired,

Those who voted in the affirmative, are messrs Adrian, Alexander, Bradley, Davis of B. Dixon, Doster, Douglass, Fleming, Garrett, Hale, Hall, Hill, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, Mann, McCoy, McGill, Moores, Murphy, Norris, Norwood, Perkins, Peters,

Prince, Pynes, Rice, Russell, Shanks, Simmons, Smith of L. Stone and Winston of S.

Those who voted in the negative are messrs Speaker, Adams, Ashurst, Bell, Blackshear, Blount, Bowen, Broughton, Clemens, Cobb, Crenshaw, Davidson, Davis of A. Davis of L. Fowler, Griffin of M. Griffin of S. Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McCay, McClanahan, McCullough, McMillion of B. McMillion of J. Mitchell, Moore of Madison, Moore of Marion, Morris, Randolph, Reynolds, Roberts, Saunders, Smith of J. Spruill, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Wynn and Young.

A message was received from the Senate, by Mr Clitherall, their assistant secretary:

Mr Speaker—The Senate has passed bills of the following titles, which originated in the Senate:

An act to incorporate a male academy at Midway, in the county of Macon:

An act for the relief of William Taylor and Abner McGehee:

An act to incorporate the Taylor's press and warehouse company:

An act to incorporate and extend the powers of the Alabama medical society:

An act to compel executors and administrators to perfect titles to land, in certain cases:

In which the concurrence of the House of Representatives is requested.

The Senate has also passed a bill which originated in the House of Representatives, to establish the permanent seat of justice for the county of Russell.

They have passed bills which originated in the Senate, of the following titles:

An act to dispense with protest and notice in certain cases:

An act regulating sheriff's fees:

An act for the relief of purchasers of sixteenth sections in this State:

An act for the relief of J. Henri Hottinguer:

An act to alter and amend the law for assessing and collecting the taxes in the county of Butler, approved December the 8th, 1840.

An act to amend the laws in regard to limitations of actions:

An act to incorporate the Stockton steamboat and warehouse company, in the county of Baldwin:

An act to prevent frauds in elections:

In all which the concurrence of the House of Representatives is requested.

Mr Reynolds introduced a bill to increase the revenue fund, which was read, and the rule requiring bills to be read on three several days being dispensed with, it was read the second time forthwith, and referred to the committee on ways and means.

On motion of Mr Hutchinson,

Resolved, That the committee on privileges and elections be instructed to report a bill, submitting the question directly to the people at the next August election, whether they are in favor of, or against the general ticket system of electing members to Congress, from this State.

The bill from the Senate, to incorporate and extend the powers of the Alabama medical society, was read, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith, and ordered to a third reading.

The bill from the Senate to dispense with notice and protest in certain cases, was ordered to lie on the table.

The bill from the Senate to extend the provisions of the first section of an act entitled an act to extend the time of indebtedness to the Bank of the State of Alabama and its several Branches, and for other purposes, approved, June 30, 1837, was read the first and second times forthwith, and referred to the committee on the State Bank and Branches.

Mr Griffin of S. made the following report: The committee on enrolled bills have examined and find correctly enrolled, a bill which originated in the House of Representatives, entitled an act to amend and explain an act entitled an act to authorize the commissioners of township sixteen, range seventeen, of Montgomery county, to erect a suitable building for an academy:

Also, joint resolutions in relation to the death of William Henry Harrison, late President of the United States.

Mr Houston, from the select committee, to which was referred the bill from the Senate for the collection of taxes in the county of Marengo, reported an amendment thereto, by adding an additional section; which was adopted. The as amended, was then read a third time forthwith and passed.

Mr Houston moved to amend the title by adding, 'and for other purposes;' which was carried. Ordered, that the title be as aforesaid.

Ordered, that the clerk acquaint the Senate therewith.

The bill from the Senate to alter and amend the law for assessing and collecting the taxes in the county of Butler, approved, December 8, 1840, was read the first time, and the rule being suspended, it was read the second and third times forthwith and passed.

Mr Crenshaw moved to amend the title of the bill by adding the words, 'amendatory of an act;' which was carried. Ordered, that the title be as aforesaid.

Ordered, that the clerk acquaint the Senate therewith.

The bill from the Senate for relief of purchasers of sixteenth sections in this State, was read the first and second times forthwith, and referred to the judiciary committee.

A message from the Senate by Mr Clitherall:

Mr Speaker—The Senate has passed bills of the following titles, to wit:

An act making an appropriation to the Tennessee canal;

An act to change the time of convening the General Assembly:

In which the concurrence of the House of Representatives is requested.

The Senate has also passed a bill, which originated in the House of Representatives, entitled an act to amend the charters of the Bank of Mobile and the Planters and Merchants' Bank of Mobile.

The bill from the Senate entitled an act for a special election for electing members to the twenty-seventh Congress, and for other purposes, was read the second time.

Mr Jemison moved to amend it, by adding thereto, the following section:

Sec. Be it further enacted, That at the election herein provided for, the managers at the several election precincts throughout the State, shall inquire of each voter, as he hands in his ticket, whether he is for or against the General Ticket System, in the election of members of Congress, from this State; and they shall endorse or caused to be endorsed on the back of each ticket, the words 'for the General Ticket' or 'District System,' as the voter may answer; and that return thereof be made at the time and manner herein provided.

Mr Winston of DeK. moved to amend Mr Jemison's amendment by striking out the words 'at the election herein provided for,' to insert 'at the next General Election in August.'

Mr Shanks moved that the House adjourn until ten o'clock on Monday next; which was lost. Yeas 10—Nays 75. The yeas and nays being demanded,

Those who voted in the affirmative, are messrs Blount, Mann, McCoy, Mitchell, Moore of marion, Norris, Perkins, Reynolds, Shanks and Strode.

Those who voted in the negative, are messrs Speaker, Adams, Adrian, Alexander, Ashurst, Bates, Bell, Blackshear, Bowen, Bradley, Broughton, Clemens, Cobb, Crenshaw, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Fleming, Fowler, Garrett, Griffin of M. Griffin of S. Hale, Hall, Hill, Hollinger, Houston, Hughes, Hunter, Inge, Jones, Kelly, Kidd, King, Little, Mangum, Mallard, Marchbanks, McAlpin, McCay, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of madison, Moores, Murphy, Norwood, Peters, Peterson, Prince, Pynes, Randolph, Rice, Roberts, Russell, Saunders, Simmons, Smith of J. Smith of L. Spruill, Stone, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. Wynn and Young.

The House resumed the consideration of the bill for a special election for electing members to the twenty-seventh Congress, and for other purposes.

Mr Jemison's amendment being under consideration, the question was on Mr Winston's of DeK. amendment to Mr Jemison's. A division of the question being called for, Mr Blount moved that the House adjourn until Monday morning, ten o'clock; which was lost.

The House again resumed the consideration of the bill for a special election for electing members to the twenty-seventh Congress, and for other purposes.

The question was on Mr Winston's of DeK. amendment to Mr Jemison's, by striking out, and carried. Yeas 49—Nays 40. The yeas and nays being desired,

Those who voted in the affirmative, are messrs Speaker, Adams, Adrian, Alexander, Blackshear, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Garrett, Griffin of M. Hale, Hill, Houston, Hughes, Jones, Kelly, King, Marchbanks, McCay, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of madison, Moore of marion, Morris, Pynes, Randolph, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

Those who voted in the negative, are messrs Ashurst, Bates, Bell, Blount, Bowen, Bradley, Broughton, Campbell, Crenshaw, Davidson, Davis of B. Doster, Fleming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Little, Mangum, Mann, McAlpin, McCoy, McGill, Mitchell, Moores, Murphy, Norris, Norwood, Perkins, Peters, Prince, Shanks, Simmons, Spruill and Young.

The question was taken to insert and carried. Yeas. 92.

YEAS—messrs Speaker, Adams, Adrian, Alexander, Ashurst, Bates, Bell, Blackshear, Blount, Bowen, Bradley, Broughton, Campbell, Clemens, Cobb, Crenshaw, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Fleming, Fowler, Garrett, Griffin of M. Griffin of S. Hale, Hall, Hill, Hollinger, Houston, Hughes, Hunter, Hutchinson, Inge, Jemison, Jones, Kelly, Kidd, King, Langdon, Little, Mangum, Mallard, Marchbanks, McAlpin, McCay, McClanahan, McCoy, McCullough, McGill, McMillion of J. Mitchell, Moore of madison, Moore of marion, Moores, Morris, Murphy, Norris, Norwood, Perkins, Peters, Peterson, Prince, Pynes, Randolph, Rey-

nolds, Rice, Roberts, Russell, Saunders, Shanks, Simmons, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. Wynn and Young.

The question was then on the adoption of Mr Jemison's amendment as amended, and carried. Yeas 89—Nays 3. The yeas and nays being desired,

Those who voted in the affirmative, are messrs Speaker, Adams, Adrian, Alexander, Ashurst, Bates, Bell, Blackshear, Blount, Bowen, Bradley, Broughton, Campbell, Cobb, Crenshaw, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Fleming, Fowler, Garrett, Griffin of M. Griffin of S. Hale, Hall, Hill, Hollinger, Houston, Hughs, Hunter, Hutchinson, Inge, Jemison, Jones, Kelly, Kidd, King, Langdon, Little, Mangum, Mallard, Mann, Marchbanks, McAlpin, McCay, McClanahan, McCoy, McCullough, McGill, McLemore, McMillion of B. McMillion of J. Mitchell, Moore of marion, Moores, Morris, Murphy, Norris, Norwood, Perkins, Peters, Peterson, Prince, Pynes, Randolph, Reynolds, Rice, Roberts, Russell, Saunders, Shanks, Simmons, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. Wynn and Young.

Those who voted in the negative, are messrs Clemens, Moore of madison and Strode.

Mr Moore of madison moved to amend the fourth section by striking out the word 'fifteen,' to insert the word 'ten;' which was carried.

Mr Jemison moved to refer the bill to the judiciary committee, with the following instructions:

1st. Inquire first, whether there is now a vacancy in the representation of the State of Alabama in the Congress of the United States.

2nd. If there be a vacancy had not the Executive authority of this State ample power to issue his writs of election to fill such vacancy, without any further legislative enactments on the subject?

3d. Whether the law of last session entitled an act to establish the General Ticket System in elections for Representatives in Congress from the State of Alabama, could by its provisions, take effect before the General election, on the first Monday in August next; and whether all laws on the subject of our Congressional elections, at the time of the passage of the above recited act, would not, without further enactments, have continued in force until the next General election?

4th. Whether the election for Representatives in Congress would not, without giving to the act of the last session a retrospective operation, have taken place under the District System?

That the said committee at the earliest period practicable, report the result of their inquiries to this House, both as to their conclusions, as well as the dates upon which such conclusions are formed; which was lost. Yeas 33—Nays 49. The yeas and nays being desired,

Those who voted in the affirmative, are messrs Ashurst, Bates, Bell, Blount, Bowen, Broughton, Crenshaw, Davis of B. Doster, Fleming, Griffin of S. Hall, Hollinger, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moores, Norris, Norwood, Perkins, Peters, Prince, Shanks and Young.

Those who voted in the negative, are messrs Speaker, Adrian, Alexander, Blackshear, Bradley, Clemens, Cobb, Davis of A. Davis of L. Dixon, Dou-

glass, Fowler, Garrett, Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McCay, McClanahan, McCullough, McMillion of J. Moore of madison, Moore of marion, Morris, Pynes, Randolph, Reynolds, Rice, Russell, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

And the question being put, shall this bill be read a third time on Monday next, it was determined in the affirmative. Yeas 48—Nays 35. The yeas and nays being desired,

Those who voted in the affirmative are Messrs Speaker, Adrian, Alexander, Blackshear, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Garrett, Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McCay, McClanahan, McCullough, McMillion of J. Moore of Madison, Moore of Marion, Morris, Pynes, Randolph, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

Those who voted in the negative, are Messrs Ashurst, Bates, Bell, Blount, Bowen, Bradley, Broughton, Campbell, Crenshaw, Davis of B. Doster, Fleming, Griffin of S. Hall, Hollinger, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moores, Norris, Norwood, Perkins, Peters, Prince, Shanks and Young.

And then the House adjourned until Monday morning, nine o'clock.

MONDAY, April 26, 1841.

The House met pursuant to adjournment.

Accounts were presented by messrs Wynn and Jemison. They were read and referred to the committee on accounts.

Mr Kidd presented the petition of sundry citizens of Monroe county; which was read and referred to the delegation from Monroe county.

Mr Moore of madison, from the committee on the State Bank, to which was referred the bill from the Senate, to extend the provisions of the first section of an act entitled an act to extend the time of indebtedness to the Bank of the State of Alabama and its several Branches, and for other purposes, approved June 30th, 1837, reported sundry amendments, which were severally concurred in. The bill was then read a third time and passed. Yeas 72—Nays 9.

These who voted in the affirmative, are messrs Speaker, Adams, Adrian, Alexander, Ashurst, Bell, Blackshear, Bowen, Bradley, Broughton, Cobb, Crenshaw, Davidson, Davis of A. Dixon, Doster, Douglass, Fleming, Fowler, Garrett, Griffin of M. Hale, Hall, Hill, Hollinger, Houston, Hughs, Hunter, Hutchinson, Inge, Jemison, Kelly, Kidd, Little, Mangum, Mallard, McClanahan, McCoy, McCullough, McGill, McMillion of B. McMillion of J. Mitchell, Moore of madison, Moores, Morris, Norwood, Peguese, Perkins, Peters, Peterson, Prince, Pynes, Randolph, Reynolds, Rice, Roberts, Russell, Shanks, Simmons, Smith of J. Spruill, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. Womack, Wynn and Young.

Those who voted in the negative, are messrs Clemens, Langdon, Mann, Marchbanks, McLemore, Moore of marion, Norris, Smith of L. and Stone.

Mr Moore of madison, moved to amend the title with the following: 'An act to amend the charters of the State Bank and its several Branches.' Ordered, that the title be as aforesaid.

Ordered, that the clerk acquaint the Senate therewith.

Mr Young, from the judiciary committee, to which was referred the bill from the Senate for the relief of the purchasers of sixteenth sections in this State, reported sundry amendments.

The question was to concur in the first amendment, and lost.

Mr Davis of A. moved to recommit the bill to a select committee, consisting of the delegation from Greene, Sumter and Marengo counties; which was carried.

A message from the Senate by Mr Clitherall:

Mr President—The Senate has passed bills of the following titles, to wit:

An act to incorporate the Benton Guards:

An act for the payment of the members of the present General Assembly, and for other purposes;

In which they ask the concurrence of the House of Representatives:

The Senate has concurred in the amendment made by the House of Representatives to the bill entitled an act for the relief of E. K. Miller, deceased, and for other purposes.

Mr Griffin of S. made the following report: The committee on enrolled bills have examined and find correctly enrolled, bills which originated in the House of Representatives, of the following titles, to wit:

An act to establish the permanent seat of justice for the county of Russell:

Also, an act to be entitled an act to amend the charters of the Bank of Mobile and the Planters' and Merchants' Bank of Mobile.

Mr Reynolds, from the committee on ways and means, to which was referred the bill to increase the revenue fund, reported the same without amendment. It was read the third time forthwith and passed. Ordered, that its title be as aforesaid.

Ordered, that the same be sent to the Senate for their concurrence.

Bills from the Senate of the following titles,

An act to change the time of convening the General Assembly:

An act making appropriations to the Tennessee canal:

Were severally read and ordered to a second reading.

A message from the Senate by Mr Clitherall:

Mr Speaker—The Senate has adopted the following resolution:

Resolved, That with the concurrence of the House of Representatives, the two Houses will convene in the Hall of the House of Representatives, on this day, at one o'clock, for the purpose of electing a solicitor for the fourth judicial circuit:

In which they ask the concurrence of the House.

The Senate has concurred in the amendments made by the House of Representatives to the bill entitled an act for the collection of taxes in the county of Marengo: The amendment to the caption of the bill has also been concurred in:

An act to abolish brigade encampment drills in the tenth brigade and ninth division of Alabama militia:

An act to alter and amend the law for assessing and collecting the taxes in the county of Butler, approved, December 8th, 1840: The amendment to the caption has been concurred in.

The Senate has adopted the following resolution:

Resolved, That with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House of Representatives, this

day at twelve o'clock, for the purpose of electing a judge for the first judicial circuit:

In which they ask the concurrence of the House of Representatives.

The bill from the Senate for the payment of the members of the present General Assembly and for other purposes, was read the first time.

Mr Hutchinson moved that the bill be indefinitely postponed; which was lost. Yeas 40—Nays 46.

Those who voted in the affirmative, are messrs Ashurst, Bates, Bell, Broughton, Clemens, Crenshaw, Davis of B. Dixon, Doster, Fleming, Griffin of M. Hall, Hutchinson, Inge, Jemison, Langdon, Little, Mangum, McGill, McLemore, McMillion of B. Moore of madison, Moores, Morris, Norris, Norwood, Perkins, Peterson, Prince, Reynolds, Rice, Shanks, Spruill, Stone, Strode, Walker of B. Winston of DeK. Winston of S. Womack and Wynn.

Those who voted in the negative, are messrs Adams, Adrian, Alexander, Blackshear, Blount, Bowen, Bradley, Cobb, Davidson, Davis of A. Davis of L. Douglass, Fowler, Garrett, Griffin of S. Hale, Hill, Hollinger, Houston, Hughs, Jones, Kelly, Kidd, King, Mallard, Mann, Marchbanks, McCay, McClanahan, McCoy, McCullough, Mitchell, Moore of marion. Peters, Pynes, Randolph, Roberts, Russell, Saunders, Simmons, Smith of J. Smith of L. Walker of L. Wann, Williams and Wilson.

The bill was read the second time forthwith.

Mr Moores moved to amend it by an additional section; which was lost.

Mr Spruill moved to amend the second section by striking out the words, 'one hundred and fifty;' which was carried. Yeas 50—Nays 35.

Those who voted in the affirmative, are messrs Adams, Adrian, Alexander, Blount, Bowen, Broughton, Cobb, Crenshaw, Davidson, Davis of B. Davis of L. Douglass, Griffin of M. Griffin of S. Hill, Hughs, Hutchinson, Jemison, Jones, Kelly, Kidd, King, Little, Mallard, Marchbanks, McClanahan, McLemore, McMillion of B. Mitchell, Moore of madison, Moore of marion, Moores, Norris, Norwood, Perkins, Peters, Peterson, Randolph, Roberts, Russell, Saunders, Shanks, Spruill, Strode, Walker of B. Walker of E. Wilson, Winston of DeK. Womack and Young.

Those who voted in the negative, are messrs Speaker, Ashurst, Bates, Blackshear, Bradley, Clemens, Davis of A. Dixon, Doster, Fleming, Garrett, Hale, Hall, Hollinger, Houston, Hunter, Inge, Langdon, Mangum, Mann, McCullough, McGill, McMillion of J. Morris, Prince, Pynes, Reynolds, Rice, Simmons, Smith of J. Smith of L. Stone, Wann and Wynn.

Mr Hall moved to fill the blank with 'one hundred and forty-five;' which was lost.

Mr Prince moved to fill the blank with 'one hundred and twenty-five;' which was carried.

Mr Spruill moved to amend the third section by striking out the words 'three hundred;' which was carried.

The blank was then filled with 'one hundred and fifty.' The bill was then ordered to a third reading.

The bill from the Senate incorporating the Benton Guards, was read the first and second times forthwith.

Mr Morris moved to amend it by additional section; which was adopted.

And the constitutional rule being suspended, it was read the third time and

passed: The title amended with these words, 'and for other purposes.' Ordered that the title be as aforesaid.

Ordered, that the clerk acquaint the Senate therewith.

Message from the Senate by Mr Hill:

Mr Speaker—The Senate has adopted unanimously a preamble and joint resolutions of the General Assembly of the State of Alabama; in which the concurrence of your honorable body is requested.

Mr Mitchell made the following report: The committee on enrolled bills have examined and find correctly enrolled, bills of the following titles:

An act entitled an act to repeal in part an act in relation to sixteenth sections, approved, February 2d, 1840:

An act to amend an act authorizing the election of an assessor and tax collector for the county of Benton:

An act entitled an act for the relief of E. K. Miller, deceased, and other purposes.

The resolution from the Senate proposing to go into the election of a solicitor of the fourth judicial circuit, being under consideration,

Mr Rice moved to amend it by adding, 'and a warden and three inspectors of the penitentiary;' which was lost.

Mr Jemison moved to amend it by striking out the word 'one' to insert the word 'four;' which was lost.

Mr Reynolds moved to amend it by adding, 'and a judge of the first judicial circuit;' which was carried.

The resolution as amended was then adopted. Ordered, that the clerk acquaint the Senate therewith.

The resolution proposing to go into the election of a judge of the first judicial circuit, at the hour of twelve o'clock, was on motion of Mr Moores, ordered to lie on the table.

Preamble and joint resolutions from the Senate of the General Assembly of the State of Alabama, were read and adopted.

Mr Mann introduced a bill to establish a Branch of the Bank of the State of Alabama, in the town of Irwinton, Barbour county; which was read and ordered to a second reading.

Mr Saunders introduced a bill to authorize attorneys at law, residing in the Territory of Florida, to practice law in the several counties of this State; which was read the first time, and the constitutional rule being suspended, it was read the second and third times forthwith and passed. Ordered, that the title be as aforesaid.

Ordered, that the same be sent to the Senate for their concurrence.

Mr Mann, from the select committee, to which was referred joint resolutions of the Legislature of the State of Alabama in General Assembly convened, reported an amendment by striking out the word 'hack,' where it occurs in the resolution, with the view to insert the word 'stages;' which was adopted.

The resolution as amended, was then adopted. Ordered, that the title be as aforesaid.

Ordered, that the clerk acquaint the Senate therewith.

On motion of Mr Griffin of S.

Resolved, That with the concurrence of the Senate, the two Houses will assemble in the Hall of the House of Representatives, this day at one o'clock,

for the purpose of going into the election of a judge of the county court of Shelby county.

The House then proceeded to the orders of the day.

The bill for the relief of Charles A. Hoppin, was read a second time and ordered to be engrossed for a third reading.

The bill from the Senate to repeal a portion of the charter of the city of Mobile, was read a second time, and referred to a select committee. Whereupon, Messrs Langdon, Winston of S. and Smith were appointed.

The bill from the Senate to incorporate and extend the powers of the Alabama Medical Society, was read the third time and passed. Ordered, that the title be as aforesaid.

Ordered, that the clerk acquaint the Senate therewith.

The bill from the Senate for electing members to the twenty-seventh Congress and for other purposes, was read the third time and passed. Yeas 49—Nays 40.

Those who voted in the affirmative, are messrs Speaker, Adams, Adrian, Alexander, Blackshear, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Griffin of M. Hale, Hill, Houston, Hughes, Jones, Kelly, King, Mallard, Marchbanks, McCay, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of madison, Moore of marion, Morris, Pynes, Randolph, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn.

Those who voted in the negative, are messrs Ashurst, Bates, Bell, Blount, Bowen, Bradley, Broughton, Campbell, Crenshaw, Davidson, Davis of B. Doster, Fleming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, Mann, McCoy, McLemore, Mitchell, Moores, Norris, Norwood, Peguese, Perkins, Peters, Peterson, Prince, Shanks, Simmons, Spruill, Womack and Young.

Ordered, that the title be as aforesaid. Ordered, that the clerk acquaint the Senate therewith.

A message from the Senate by Mr Clitherall;

Mr Speaker—The Senate has concurred in the amendment made by the House of Representatives to its resolution proposing that the two Houses will assemble in the Hall of the House, this day at one o'clock, for the purpose of electing a solicitor for the fourth judicial circuit, by adding also a judge of the first judicial circuit;

The Senate has also passed a bill to be entitled an act to authorize the owners of the steam mill on Poplar creek, in Franklin county, to charge the sixth for toll;

In which the concurrence of the House of Representatives is asked.

The Senate has also concurred in the resolution of the House of Representatives proposing to go into the election of a judge for the county court of Shelby county, this day at one o'clock.

The bill from the Senate to authorize the owners of the steam mill on Poplar creek in Franklin county, to charge the sixth for toll, was read the first time, and the constitutional rule being suspended, it was read the second and third times forthwith, and passed. Ordered, the title be as aforesaid,

Ordered, that the clerk acquaint the Senate therewith.

Mr Hutchinson called up the bill from the Senate attaching the county of Lowndes to the second chancery district of the southern division. It was ordered to a second reading.

A message from the Senate by Mr Hill:

Mr Speaker—The Senate has passed a bill which originated in the Senate entitled an act for levying a special tax in the county of Russell; in which the concurrence of the House of Representatives is requested.

The Senate has also passed a bill which originated in the House of Representatives of the following title: An act to authorize attorneys at law, residing in the Territory of Florida, to practice law in the several courts in this State.

The bill from the Senate for levying a special tax in the county of Russell, was read, and the constitutional rule being suspended, it was read a second and third times forthwith and passed. Ordered, that the title be as aforesaid.

Ordered, that the clerk acquaint the Senate therewith.

Mr Inge, from the select committee, to which was referred the bill from the Senate for the relief of the purchasers of sixteenth sections in this State, reported sundry amendments; which were adopted.

Mr Inge moved to strike out the provisos in the bill; which was carried; and the rule being suspended, the bill was read a third time forthwith and passed.

Mr Saunders moved to amend the title of the bill by adding the word 'certain;' which was carried. Ordered, that the title be as aforesaid.

Ordered, that the clerk acquaint the Senate therewith.

The Senate by invitation having repaired to the House of Representatives. The two houses then proceeded to the election of a Solicitor of the fourth judicial circuit—E. H. ENGLISH, E. A. O'NEAL and JOHN A. NOOE, being in nomination.

Those who voted for Mr. ENGLISH, are messrs Creagh, Dailey, Dent and Terry, of the Senate; and messrs Clemens, Davis of B. Davis of L. Rice, Strode, and Wynn, of the House.

Those who voted for Mr. O'NEAL, are Messrs President, Clarke, Farrar, Jones, Lloyd, McAllister, McConuell, McVay, Oliver, Reese, Rice, Rodgers, Smith Toulmin, Turner, of the Senate; and Messrs Adams, Adrian, Alexander, Bates, Bell, Blackshear, Cobb, Davidson, Davis of A. Dixon, Doster, Douglass, Fleming, Fowler, Hale, Hall, Hill, Houston, Hughes, Hunter, Inge, Jones, Kelly, Langdon, Mann, McCay, McClanahan, McCoy, McLenore, McMillion of B. Moore of madison, Moores, Norris, Perkins, Prince, Pynes, Randolph, Roberts, Russell, Saunders, Shanks, Smith of J. Smith of L. Stone, Wann, Williams, and Wilson.

Those who voted for Mr Nooe, are Messrs Andress, Buford, Hudson, King, Phillips, Ross, Thornton, Watrous, Wilson of F. and Womack, of the Senate; and Messrs Speaker, Ashurst, Blount, Bowen, Bradley, Broughton, Campbell, Crenshaw, Griffin of m. Griffin of S. Hollinger, Hutchinson, Jemison, Kidd, King, Little, Mangum, Mallard, Marchbanks, McCullough, McMillion of J. Mitchell, Moore of marion, Norwood, Peguese, Peters, Peterson, Reynolds, Simmons, Walker of B. Walker of L. Winston of DeK. Winston of S. Womack and Young.

E. A. O'NEAL, having received a majority of votes, Mr Speaker declared him elected solicitor of the fourth judicial circuit for the term prescribed by law.

The two Houses then proceeded to the election of a Judge of the first judicial circuit,—JOHN D. PHELAN alone being in nomination.

Those who voted for Mr PHELAN, are Messrs President, Andress, Buford, Clarke, Creagh, Dailey, Dent, Farrar, Hudson, Jones, King, Lloyd, McAllister, McConnell, McVay, Oliver, Phillips, Reese, Rice, Rogers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Watrous and Wilson of F. of the Senate; and Messrs Speaker, Adams, Adrian, Alexander, Ashurst, Bates, Bell, Blackshear, Blount, Bowen, Bradley, Broughton, Campbell, Clemens, Cobb, Crenshaw, Davidson, Davis of A. Davis of B. Davis of L. Doster, Douglass, Fleming, Fowler, Griffin of M. Griffin of S. Hale, Hill, Hollinger, Houston, Hughs, Hunter, Inge, Jemison, Jones, Kelly, Kidd, King, Langdon, Mangum, Mallard, Mann, Marchbanks, McCay, McClannahan, McCoy, McCullough, McLemore, McMillion of B. McMillion of J. Mitchell, Moore of Madison, Moore of Mar. Moores, Morris, Norwood, Peguese, Peters, Peterson, Prince, Pynes, Randolph, Reynolds, Rice, Roberts, Russell, Saunders, Shanks, Simmons, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. Womack, Wynn, and Young.

Mr. PHELAN having received all the votes given, Mr Speaker declared him duly elected Judge of the first judicial circuit, for the term prescribed by law.

The two Houses then proceeded to the election of a judge of the county court of Shelby county—CHARLES R. GIBBS, and SAMUEL BRAZIER being in nomination.

Those who voted for Mr. GIBBS, are messrs Andress, Clarke, Dailey, Dent, Farrar, Hudson, Jones, King, Lloyd, McAllister, McConnell, McVay, Oliver, Phillips, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Watrous and Womack of the Senate; and messrs Speaker, Adams, Ashurst, Bates, Bell, Blackshear, Blount, Bowen, Bradley, Broughton, Campbell, Clemens, Crenshaw, Davidson, Davis of B. Davis of L. Doster, Fleming, Griffin of M. Griffin of S. Hale, Hall, Hollinger, Hunter, Inge, Jemison, Jones, Kidd, King, Langdon, Little, Mangum, Mallard, Mann, McCoy, McLemore, Mitchell, Moore of Mad. Moore of Marion, Moores, Norris, Norwood, Peguese, Perkins, Peters, Peterson, Prince, Pynes, Reynolds, Shanks, Simmons, Spruill, Strode, Walker of L. Wann, Williams, Winston of DeK. Winston of S. Womack, Wynn and Young.

Those who voted for Mr. BRAZIER, are messrs President, Creagh of the Senate; messrs Adrian, Alexander, Cobb, Davis of A. Dixon, Fowler, Hill, Houston, Hughs, Kelly, Marchbanks, McCay, McClanahan, McCullough, McMillion B. McMillion of J. Randolph, Rice, Roberts, Russell, Smith of J. Stone, and Wilson.

Mr Gibbs having received a majority of the votes given, Mr Speaker declared him duly elected judge of the county court of Shelby county, for the term prescribed by law.

The House adjourned until four o'clock, this evening.

The House met pursuant to adjournment.

The bill to repeal an act entitled an act to raise a fund for the payment of jurors for the county of Pike, approved December 21, 1840, and for other purposes, was read the second time.

Mr Simmons moved to strike out the second section; which was lost. It was ordered to be engrossed for a third reading.

A message from the Governor, by Mr Garrett:

Mr Speaker—I am instructed by his Excellency, the Governor, to inform your honorable body, that he has approved and signed bills of the following titles, to wit:

An act to amend the charters of the Bank of Mobile, and the Planters' and Merchants' Bank of Mobile:

An act to amend an act entitled an act to authorize the commissioners of township sixteen, range seventeen, of Montgomery county, to erect a suitable building for an academy:

An act to establish the permanent seat of justice in the county of Russell: Which originated in the House of Representatives.

The bill to compensate Daniel Goree, was read the second time; and the constitutional rule being suspended, it was read the third time forthwith and passed. Ordered, that the title be as aforesaid.

Ordered, that the same be sent to the Senate for their concurrence.

The bill to amend the charter of the city of Tuscaloosa, was read the second time, and the constitutional rule being suspended, it was read the third time forthwith, considered as engrossed, and passed. Ordered, that the title be as aforesaid.

Ordered, that the same be sent to the Senate for their concurrence.

The bill from the Senate to compensate Elijah Hornberger, was read the second time, and the constitutional rule being suspended, was read the third time forthwith, and passed. Ordered, that the title be as aforesaid.

Ordered, that the clerk acquaint the Senate therewith.

The bill from the Senate to change the election precinct in the county of Dallas, was read the second time.

Mr Stone moved to amend it, by adding an additional section, which was adopted; and the constitutional rule being suspended, was read the third time forthwith and passed. Ordered, that the title be as aforesaid.

Ordered, that the clerk acquaint the Senate therewith.

Joint memorial and resolutions of the General Assembly of the State of Alabama, in relation to a Land District in the Cherokee Nation, being under consideration, Mr Saunders moved that it lie on the table; which was carried.

The bill from the Senate to amend the several acts in relation to public roads in the county of Mobile, was read the second time, and the constitutional rule being suspended, was read the third time and passed. Ordered, that the title be as aforesaid.

Ordered, that the clerk acquaint the Senate therewith.

The bill to provide for the liquidation of the affairs of the Bank of the State of Alabama and its Branches, was read the second time, and referred to the committee on the State Bank and Branches.

Mr Hale called up the memorial and joint resolutions of the General Assembly of the State of Alabama, in relation to a Land District in the Cherokee Nation. The question was then put, on the adoption, and carried. Yeas 45—Nays 43.

Those who voted in the affirmative, are messrs Adams, Adrian, Alexander, Bell, Broughton, Cobb, Crenshaw, Davidson, Davis of A. Davis of L. Dixon, Fowler, Griffin of M. Hale, Houston, Jones, Kelly, Kidd, King, Marchbanks, McCay, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of madison, Moore of marion, Prince, Pynes, Randolph, Reynolds, Roberts, Russell, Smith of J. Smith of L. Stone, Strode, Walker of B. Wann, Williams, Wilson, Winston of DeK. Womack, Wynn and Young.

Those who voted in the negative, are messrs Speaker, Bates, Blount, Bowen, Bradley, Davis of B. Doster, Douglass, Fleming, Griffin of S. Hall, Hill, Hollinger, Hunter, Hutchinson, Jemison, Langdon, Little, Mallard, Mann, McCoy, Mitchell, Moores, Morris, Norris, Norwood, Peguese, Perkins, Peterson, Saunders, Shanks, Simmons and Spruill.

Ordered, that the title be as aforesaid.

Ordered, that the clerk acquaint the Senate therewith.

The bill to secure a homestead to every family within this State, being under consideration, Mr Moore of madison, moved that it lie on the table; which was carried. Yeas 41—Nays 38.

Those who voted in the affirmative, are messrs Speaker, Alexander, Bell, Bowen, Bradley, Broughton, Davidson, Davis of B. Dixon, Douglass, Fowler, Griffin of S. Hill, Hunter, Jemison, Jones, Kelly, Kidd, Langdon, McCay, McClanahan, McCoy, McCullough, McMillion of B. McMillion of J. Mitchell, Moore of madison, Moores, Norwood, Peguese, Pynes, Randolph, Roberts, Saunders, Smith of L. Spruill, Stone, Strode, Walker of B. Wynn and Young.

Those who voted in the negative, are messrs Adams, Adrian, Bates, Blackshear, Blount, Cobb, Crenshaw, Davis of A. Davis of L. Doster, Fleming, Griffin of M. Hale, Hall, Hollinger, Hutchinson, Inge, King, Little, Mallard, Mann, Marchbanks, Moore of marion, Morris, Norris, Perkins, Peters, Peterson, Prince, Reynolds, Russell, Shanks, Simmons, Smith of J. Wann, Williams, Wilson and Womack.

The bill to repeal an act to establish the General Ticket System, in elections for representatives in Congress from the State of Alabama, being under consideration, Mr Moore of madison, moved that it lie on the table; which was carried. Yeas 45—Nays 36.

Those who voted in the affirmative, are messrs Speaker, Adams, Adrian, Alexander, Blackshear, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fowler, Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McCay, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of madison, Moore of marion, Morris, Pynes, Randolph, Reynolds, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Wann, Williams, Wilson, Winston of DeK. and Wynn.

Those who voted in the negative, are messrs Bates, Blount, Bowen, Broughton, Crenshaw, Davidson, Davis of B. Doster, Fleming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mann,

McCoy, Mitchell, Moores, Norris, Norwood, Peguese, Perkins, Peters Peterson, Prince, Shanks, Simmons, Womack and Young.

Mr Langdon moved that the House adjourn until to morrow morning, nine o'clock; which was lost. Yeas 18—Nays 61.

Those who voted in the affirmative, are messrs Bates, Bell, Blount, Broughton, Davidson, Doster, Hutchinson, Inge, Jemison, Kidd, Langdon, Mann, McCoy, Mitchell, Norris, Perkins, Prince and Womack.

Those who voted in the negative, are messrs Speaker, Adams, Adrian, Alexander, Blackshear, Bowen, Clemens, Cobb, Crenshaw, Davis of A. Davis of B. Davis of L. Dixon, Douglass, Fleming, Fowler, Griffin of M. Griffin of S. Hale, Hall, Hill, Hollinger, Houston, Hunter, Jones, Kelly, King, Little, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Madison, Moore of Marion, Moores, Morris, Norwood, Pynes, Randolph, Reynolds, Rice, Roberts, Russell, Saunders, Shanks, Simmons, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of S. Wynn and Young.

A message from the Senate, by Mr Clitherall:

Mr Speaker—The Senate has concurred in the amendment of the House of Representatives, to the bill entitled an act for a special election for electing members to the twenty-seventh Congress, and for other purposes; and has amended the amendment of the House of Representatives as therein shown; in which the concurrence of the House of Representatives is requested.

The House resumed the consideration of the bill from the Senate, for a special election for electing members to the twenty-seventh Congress, and for other purposes. The question was to concur in the amendments made by the Senate to the amendment made by the House of Representatives to said bill.

Mr Clemens moved the previous question; which was sustained.

The question was then put to concur, and lost. Yeas 9—Nays 76. The yeas and nays being desired,

Those who voted in the affirmative, are messrs Davis of A. Davis of L. Fowler, Kelly, McClanahan, Saunders, Smith of L. Walker of B. and Wann.

Those who voted in the negative, are messrs Speaker, Adams, Adrian, Alexander, Bates, Bell, Blackshear, Blount, Bowen, Bradley, Broughton, Clemens, Cobb, Crenshaw, Davidson, Davis of B. Dixon, Doster, Douglass, Fleming, Griffin of M. Griffin of S. Hale, Hall, Hill, Hollinger, Houston, Hunter, Hutchinson, Inge, Jemison, Jones, Kidd, King, Langdon, Little, Mallard, Mann, Marchbanks, McCay, McCoy, McCullough, McMillion of B. McMillion of J. Moore of Madison, Moore of Marion, Moores, Morris, Norris, Norwood, Peguese, Perkins, Peters, Peterson, Prince, Pynes, Randolph, Reynolds, Rice, Roberts, Russell, Shanks, Simmons, Smith of J. Walker of L. Williams, Wilson, Winston of DeK. Winston of S. Womack, Wynn and Young.

Mr Moore of Madison, introduced the following preamble and resolutions:

Whereas, the honorable SAMUEL WALKER, a member from the county of Madison, and formerly Speaker of this House, hath departed this life, since the adjournment of the last session of the General Assembly. And whereas, this House, entertaining a high regard for the memory of the deceased, deeply deplore his death. Therefore,

Be it resolved, unanimously, That the House sympathise most sincerely

with the family and friends of the deceased, in this mournful dispensation of Providence.

2. *Resolved*, That as a mark of respect for the memory of the deceased, and regard for his private and public worth, the members of this House will wear crape on the left arm for thirty days.

3. *Resolved*, That the Speaker of this House address a letter of condolence to the family of the deceased, accompanied with a copy of the foregoing preamble and resolutions.

Which were unanimously adopted.

And then the House adjourned until to-morrow morning, nine o'clock.

TUESDAY, April 27, 1841.

The House met pursuant to adjournment.

Mr Moore of madison, presented the petition of sundry citizens of Madison county, which was read and ordered to lie on the table.

Mr Adams presented the petition of H. H. Elliott, a citizen of Blount county; which was read and referred to a committee consisting of the delegations of Blount and Marshall counties.

Mr Hill, from the committee on accounts, to which was referred the account of Winston P. Petters, reported that it is inexpedient to legislate on the subject, and asked leave to be discharged from the further consideration of the same; which was concurred in.

Mr Hill, from the committee on accounts, to which was referred the account of J. S. Cohen, reported the same back to the House, as not properly authenticated. The report was laid on the table.

Mr Hill, from the same committee, to which was referred the account of J. Lacy & Co. reported it as not properly authenticated; in which report the House concurred.

Mr Hill, from the same committee, to which was referred the petition of James A. Branch, reported the same as improperly authenticated, and asked to be discharged from the further consideration of the subject; in which the House concurred.

Mr Hill, from the same committee, to which was referred the account of Paul Robins, reported the same as being a county charge, and asked to be discharged from the further consideration of the subject. The report was laid on the table.

Mr Hill, from the same committee, to which was referred the account of T. P. Summons, reported that it is inexpedient to legislate upon the subject. The report was laid on the table.

Mr Hill, from the same committee, to which was referred the account of R. Whiting, reported that it was not properly authenticated; in which report the House concurred.

On motion of Mr Williams,

Resolved, That the Secretary of State furnish a statement of the white and slave population of each county in this State, according to the census of 1840, if complete, if not, so far as the same had been received; the same to accompany the acts and journals of this session.

The bill to provide for the removal of the Branch of the Bank of the State of Alabama, at Decatur, and for other purposes, being under consideration, Mr Moore of madison, moved to lay the bill on the table; which was carried.

Mr Broughton, from the select committee, to which was referred a petition from sundry citizens of Monroe county, praying a special session of the circuit court in said county, reported, that in as much as it is contrary to the known and expressed wish of a large majority of the citizens of said county, it is inexpedient to legislate upon the subject; in which report the House concurred.

Mr Hill, from the committee on accounts, reported a bill to compensate certain persons therein named. It was read the first and second times forthwith.

Mr Bates moved to amend by an additional section; which was carried.

Mr Jemison moved to amend by section; which was adopted.

Mr Morris moved to amend by section; which was adopted.

Mr Hill moved to amend by section; which was adopted.

Mr Mitchell moved to amend by section; which was adopted.

Mr Hunter moved to amend by section; which was adopted.

The bill was ordered to be engrossed for a third reading.

A message from the Senate, by Mr Clitherall:

Mr Speaker—The Senate has passed a bill which originated in the House of Representatives: An act to alter and amend the several acts in relation to public roads in the county of Mobile.

The Senate has also concurred in the amendments made by the House of Representatives to a bill originated in the Senate, entitled an act for the relief of purchasers of sixteenth sections in this State.

The Senate has also concurred in the amendments made by the House of Representatives to the bill originating in the Senate, entitled an act to change an election precinct in the county of Dallas, and for other purposes.

Mr Smith of L. moved to reconsider the vote on the adoption of the memorial to establish a Land District in the Cherokee Nation.

Message from the Governor, by Mr Garrett:

EXECUTIVE DEPARTMENT, }
Tusculoosa, April 27, 1841. }

Sir—I have the honor to inform the House of Representatives that the Hon. John A. Nooe, did, on the twenty-sixth inst. resign the office of judge of the county court of Franklin county, and that the said office is now vacant.

Signed,

A. P. BAGBY.

Hon. R. A. BAKER, Speaker of the House of Representatives.

Mr Mitchell, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles:

An act to abolish encampment drills in the tenth brigade of Alabama militia;

An act to amend the charters of the Bank of Mobile, and the Planters' and Merchants' Bank of Mobile;

An act to authorize attorneys at law residing in the Territory of Florida, to practice law in the several courts of this State.

Mr Walker of L. moved to reconsider the vote taken yesterday, on the bill to pay the members and officers of the General Assembly; which was lost.

Mr Moore of Madison made the following report: The committee on the State Bank and Branches, to which was referred a resolution, that the committee on the State Bank and Branches, be instructed to inquire into the expediency of the several Banks of this State making some discounts to relieve the distress of a suffering community: also, to allow the President and Directors of the several Banks of this State further time for the resumption of specie payments, with leave to report by bill or otherwise, have had the same under consideration, and have instructed me to report that the President and Directors of the several Banks in this State, are not restricted by a law of the State from granting discounts whenever they may deem it consistent with the interests of the Banks and the people to do so, and that correct legislation would forbid taking the power from the President and Directors of our Banking institutions, where it has been properly placed by the law, and who are presumed to be competent to manage them much better, as regards their condition to grant discounts, than the Legislature possibly can be, meeting, as they usually do, but once a year; as regards the second branch of the resolution, they have already reported a bill, which has passed this House, embracing the subject of inquiry; they therefore asked to be discharged from the further consideration of the subject; in which the House concurred.

Mr Strode, from the select committee, to whom was referred the petition of sundry citizens of Decatur, reported a bill to amend the charter of the town of Decatur, which was read, the rule was suspended, the bill was read a second time, considered as engrossed, read a third time and passed. Ordered, that the same be sent to the Senate for their concurrence.

Mr Clemens offered the following resolution:

Resolved, That the select committee, to whom was referred the bill altering the charter of the city of Mobile, so as to take away the property qualification of voters for common councilmen, be instructed to report the same back to the House forthwith.

Mr Perkins moved to amend the resolution by adding to the resolution the words, 'which bill came into the hands of the chairman nearly one hour past, during which time the House was in session.'

Mr Moores moved that the resolution lie on the table; which was lost. Yeas 36—Nays 39.

YEAS—Messrs Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton, Campbell, Crenshaw, Davis of B. Doster, Fleming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Kidd, Little, Mangum, Mann, McCoy, McLamore, Moore of Marion, Moores, Norris, Norwood, Peguese, Perkins, Peters, Prince, Simmons, Spruill, Womack and Young—36.

NAYS—Messrs Adams, Adrian, Alexander, Blackshear, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Griffin of M. Hale, Hill, Houston, Kelly, Kidd, Mallard, Marchbanks, McCay, McClanahan, McCullough,

McMillion of B. McMillion of J. Moore of madison, Pynes, Randolph, Reynolds, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wilson, Winston of DeK. and Wynn—39.

Message from the Senate by Mr Clitherall:

Mr Speaker—The Senate has adopted the following resolution, in which the concurrence of the House of Representatives is asked, to wit:

Resolved, That with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House, on this day, (Tuesday, 27th inst.) at the hour of twelve o'clock, noon, for the purpose of electing a judge for the county court of Franklin.

Mr Reynolds moved to strike out 'twelve o'clock, M.' for the purpose of inserting 'four o'clock, P. M.' which was carried. The resolution as amended, was concurred in.

Message from the Senate by Mr Clitherall:

Mr Speaker—The Senate has receded from its amendment to the bill entitled an act for a special election for electing members to the twenty-seventh Congress and for other purposes, and has concurred in the amendment of the House of Representatives:

The Senate has concurred in the amendment made by the House of Representatives to bills of the following titles:

An act to incorporate the Benton Guards:

An act to extend the provisions of the first section of an act to extend the time of indebtedness to the Bank of the State of Alabama and its several Branches:

The Senate has also concurred in the amendments of the House of Representatives to the joint resolutions of the State of Alabama in General Assembly convened.

Mr McMillion of B. from the committee on enrolled bills, reported as correctly enrolled,

An act for the relief of purchasers of certain sixteenth sections in this State:

An act to change an election precinct in the county of Dallas, and for other purposes;

An act amendatory of an act entitled an act to alter and amend the law for assessing and collecting the taxes in the county of Butler.

Mr Little introduced joint resolutions concerning purchasers of sixteenth sections; which were read, the rule was dispensed with, the resolutions were read a second time forthwith, considered as engrossed, read a third time and adopted. Ordered, that the clerk inform the Senate.

Mr Clemens asked leave of the House to enter upon the journals of this session, his dissent from that portion of the report of the judiciary committee of the last session, which recommended a southern convention, 'at such time and place as may be deemed most advisable, in order that we may be able upon full consultation, with those whose rights are on the same footing with our own, to adopt the most effectual measures for our mutual safety and happiness;' and also from the seventh resolution recommended by the committee; which is in these words:

'Be it further Resolved, That in view of the disposition manifested in so many quarters, and in such variety of ways, to interfere with the question of domestic slavery in those States where it exists, under the sanction of the constitution, it is respectfully recommended to the people of the slave-holding States, to hold a convention at an early period, and at such place as may be deemed most advisable, to enable those whose rights stand upon the same footing, upon full consultation to adopt the most effectual constitutional measures, for their mutual safety and happiness.'

The House then took up the orders of the day.

The bill to incorporate the Warrenton male and female academy, in the county of Dallas, was read the first, second and third times forthwith and passed. Ordered, that the bill be sent to the Senate.

The bill from the Senate for the payment of the members of the General Assembly, and for other purposes, was read a third time and passed.

And then the House adjourned until four o'clock, P. M.

AFTERNOON SESSION, four o'clock, P. M.

The engrossed bill to provide for the payment of jurors in the county of Pike, &c., was read a third time and passed. Ordered, that the bill be sent to the Senate.

Message from the Senate by Mr Clitherall:

Mr Speaker—The Senate has adopted the following resolution:

Resolved, That with the concurrence of the House of Representatives, the two Houses will adjourn *sine die*, on this day, at ten o'clock, P. M.

The Senate has passed bills of the following titles; which originated in the House of Representatives:

An act to amend the charter of the city of Tuscaloosa:

An act to compensate Daniel Goree:

An act to amend the charter of the town of Decatur, amended as therein shewn—caption also amended:

And an act to incorporate the Warrenton male and female academy in the county of Dallas:

Also, joint resolutions of the General Assembly, concerning purchasers of sixteenth sections, amended as therein shewn.

The amendment of the Senate to the bill to amend the charter of the town of Decatur, was concurred in.

The resolution from the Senate proposing that the two Houses adjourn *sine die*, on this day, being under consideration,

Mr Hutchinson moved to amend by striking out 'ten o'clock, P. M. this day,' and insert 'ten o'clock, P. M. to-morrow;' which was lost. Yeas 33—Nays 42.

YEAS—Messrs Speaker, Adams, Alexander, Barron, Blount, Clemens, Crenshaw, Davis of A. Davis of L. Dixon, Doster, Douglass, Fleming, Griffin of S. Hale, Hunter, Hutchinson, Inge, McCay, McCoy, McCullough, McMillion of J. Perkins, Reynolds, Rice, Roberts, Russell, Smith of J. Stone, Walker of L. Wann and Winston of S.

YAYS—Messrs Adams, Ashurst, Bates, Bell, Blackshear, Bowen, Broughton, Cobb, Davidson, Davis of B. Fowler, Griffin of M. Hall, Hill, Hollinger, Jemison, Kidd, King, Langdon, Mangum, Mallard, Mann, McClanahan, McMillion of B. Moore of madison, Moores, Morris, Norris, Norwood, Peters, Pynes, Randolph, Shanks, Simmons, Smith of L. Spruill, Williams, Wilson, Winston of DeK. Womack, Wynn and Young.

Mr Walker of L. moved that the resolution lie on the table; which was carried.

The amendments made by the Senate to the joint resolutions concerning the purchasers of sixteenth sections, were concurred in.

The engrossed bill for the relief of Charles A. Hopper, was read a third time and passed. Ordered, that the clerk inform the Senate.

The engrossed bill to increase the revenue fund, was read a third time and passed. Ordered, that the clerk inform the Senate.

On motion of Mr Jemison,

Resolved, That the clerk of this House be authorized to employ such assistant clerks as may be necessary to complete the unfinished business of the session.

The bill to levy a special tax for the county of Limestone, was read a second and third times forthwith and passed.

The bill to repeal in part an act in relation to sixteenth sections, was read a second and third times forthwith and passed.

The bill to declare Bear Creek a public highway, was read a second and third times forthwith and passed.

The bill to amend the laws in relation to the Harbor of Mobile, was read a second and third times forthwith and passed. Ordered, that the clerk inform the Senate.

The bill to amend the charters of the Bank of the State of Alabama and the several branches thereof, in regard to the collection of debts, and other purposes, being under consideration,

Mr Hutchinson moved to amend by inserting 'or any other person or persons,' after the word 'Branch,' in the sixth line; which was carried.

On a motion to suspend the constitutional rule, and give the bill a third reading forthwith, the yeas and nays were demanded. Yeas 31—Nays 36.

YEAS—messrs Bell, Blount, Bowen, Broughton, Davis of A. Davis of L. Dixon, Doster, Fowler, Griffin of M. Hall, Hunter, Mangum, Mallard, McCay, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of madison, Morris, Perkins, Pynes, Randolph, Reynolds, Smith of J. Stone, Walker of B. Walker of L. Winston of S. and Wynn—31.

NAYS—messrs Adams, Adrian, Alexander, Ashurst, Barron, Bates, Campbell, Clemens, Cobb, Crenshaw, Davidson, Davis of B. Douglass, Griffin of S. Hale, Hollinger, Hutchinson, Inge, Jemison, King, Mann, McCoy, McLe-more, Moores, Morris, Norwood, Prince, Rice, Roberts, Shanks, Smith of L. Strode, Wann, Wilson, Winston of DeK. and Womack—36.

Mr Morris moved to amend by proviso. The bill was referred to the committee on the State Bank and Branches.

The bill to change the time of holding the chancery court for the southern division at Monroeville, was read the second and third times forthwith and passed.

The bill to regulate damages in the supreme, circuit and county courts, was read a second time.

Upon a question of order, Mr Speaker decided that while a vote is being taken, it is out of order to call for the yeas and nays.

Mr Reynolds appealed from the decision, and the chair was not sustained. Yeas 11—Nays 44.

YEAS—Messrs Alexander, Davis of L. Dixon, Douglass, King, McCay, McCullough, Saunders, Smith of L. Walker of L. and Winston of S—11.

NAYS—messrs Adrian, Ashurst, Barron, Bates, Bell, Blackshear, Blount, Bowen, Broughton, Campbell, Cobb, Davidson, Davis of A. Davis of B. Doster, Fleming, Griffin of M. Griffin of S. Hall, Hollinger, Hutchinson, Jemison, Langdon, Mann, McClanahan, McLemore, McMillion of J. Norris, Norwood, Perkins, Peters, Prince, Pynes, Randolph, Reynolds, Roberts, Shanks, Smith of J. Strode, Wann, Wilson, Winston of DeK. Womack and Young—44.

The question then recurred on ordering the bill to a third reading. The yeas and nays were demanded. Yeas 36—Nays 27.

YEAS—messrs. Ashurst, Barron, Bates, Bell, Blount, Campbell, Cobb, Davidson, Davis of A. Davis of B. Davis of L. Doster, Fleming, Fowler, Griffin of M. Griffin of S. Hale, Hall, Hollinger, Hutchinson, King, Langdon, Mann, Morris, Norris, Norwood, Perkins, Prince, Reynolds, Simmons, Strode, Walker of L. Wilson, Womack and Young—36.

NAYS—messrs Speaker, Adams, Adrian, Alexander, Bowen, Broughton, Crenshaw, Dixon, Douglass, Hunter, Inge, McClanahan, McCullough, McMillion of J. Moore of madison, Pynes, Randolph, Rice, Roberts, Saunders, Shanks, Smith of J. Smith of L. Stone, Walker of B. Wann, Winston of DeK. and Winston of S.—27.

The bill was ordered to be engrossed for a third reading.

And then the House adjourned until to-morrow morning, half past eight o'clock.

WEDNESDAY, April 28, 1841.

The House met pursuant to adjournment.

Mr Mitchell, from the committee on enrolled bills, reported as correctly enrolled,

An act for the payment of the members of the present General Assembly, and for other purposes:

An act to authorize the owners of the steam mill on Poplar creek, in the county of Franklin, to charge the sixth for toll:

An act to compensate Elijah Hornberger:

An act for the collection of taxes in the county of Marengo, and for other purposes:

An act for a special election for electing members to the twenty-seventh Congress, and for other purposes:

Preamble and joint resolutions of the General Assembly of the State of Alabama:

Joint resolutions of the General Assembly concerning the purchasers of sixteenth sections:

An act to change the time of holding the chancery court for the southern division, at Moundville;

An act to compensate Daniel Goree;

An act to incorporate the Warrenton male and female academy;

An act to amend the charter of the city of Tuscaloosa.

The engrossed bill to be entitled an act to provide for the payment of certain claims against the State, was read a third time; and on the question, 'shall the bill pass?' the yeas and nays were demanded.

Those who voted in the affirmative, are Messrs Speaker, Adrian, Ashurst, Bates, Blount, Campbell, Clemens, Cobb, Davis of L. Doster, Griffin of S. Hale, Hollinger, Hunter, Inge, Kidd, Langdon, Mann, McCay, McCoy, McLemore, Mitchell, Moores, Prince, Randolph, Reynolds, Russell, Shanks, Strode and Winston of S.—29.

Those who voted in the negative, are Messrs Bowen, Crenshaw, Davis of A. Douglass, Fleming, Griffin of M. Hall, McCullough, Simmons, Smith of J. Smith of L. Wann, Wilson and Womack.—14.

No quorum present.

A quorum then assembled, and the vote was again taken upon the passage of the bill to provide for the payment of claims against the State.

YEAS—messrs Speaker, Adrian, Ashurst, Barron, Bates, Bell, Blount, Broughton, Campbell, Clemens, Cobb, Crenshaw, Davis of L. Doster, Fowler, Griffin of S. Hale, Hall, Hollinger, Hunter, Inge, Langdon, Mann, McCay, McCoy, McLemore, McMillion of B. Mitchell, Moores, Norris, Norwood, Perkins, Peters, Prince, Randolph, Reynolds, Roberts, Simmons, Smith of J. Strode, Womack, Wynn and Young—43.

NAYS—Messrs Adams, Alexander, Davis of A. Douglass, Fleming, Griffin of M. McClanahan, McCullough, Smith of L. and Winston of DeK.

The bill passed. Ordered, that the clerk inform the Senate.

Mr Smith of L. from the select committee, to which was referred a bill to repeal a portion of the charter of the city of Mobile, reported the same back to the House of Representatives and recommended its passage.

On the question 'shall the bill be ordered to a third reading on to-morrow?' the yeas and nays were demanded.

YEAS—Messrs Adams, Adrian, Alexander, Broughton, Cobb, Crenshaw, Davis of A. Davis of L. Douglass, Hutchinson, McClanahan, McLemore, Norris, Randolph, Reynolds, Rice, Roberts, Smith of J. Smith of L. Strode, Wilson, Winston of S. Womack and Wynn—24.

NAYS—Messrs Speaker, Barron, Bates, Blount, Campbell, Hunter, Inge, Langdon, Mitchell, Moores and Prince—11.

No quorum present.

Mr Mitchell, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles:

An act to alter and amend the several acts in relation to the public roads in the county of Mobile;

An act incorporating the Benton Guards, and other purposes:

Joint resolutions of the Legislature of the State of Alabama in General Assembly convened:

An act to incorporate and extend the powers of the Alabama Medical Society:

An act to amend an act entitled an act to incorporate the town of Decatur, in the county of Morgan:

An act to increase the revenue fund:

An act to levy a special tax in the county of Limestone:

An act to amend the laws in relation to the Harbour of Mobile:

An act to repeal an act entitled an act to raise a fund for the payment of jurors for the county of Pike.

Message from the Senate by Mr Clitherall:

Mr Speaker—The Senate has passed bills of the following titles, which originated in the House of Representatives:

An act to change the time of holding the chancery court for the southern division at Monroeville:

An act to repeal an act entitled an act to raise a fund for the payment of jurors in the county of Pike, and for other purposes, amended as therein shown:

An act to increase the revenue fund:

An act to amend the laws in relation to the Harbour of Mobile:

An act to levy a special tax in the county of Limestone.

Message from the Governor, by J. D. Bagby:

Mr Speaker—I am instructed by the Governor to inform your honorable body, that he has this day approved and signed bills of the following titles:

An act to authorize attorneys at law, residing in the Territory of Florida, to practice law in the several courts of this State:

Joint resolutions of the General Assembly concerning purchasers of sixteenth sections:

An act changing the time of holding the chancery court for the southern division, at Monroeville:

An act to compensate Daniel Goree:

An act to amend the charter of the city of Tuscaloosa:

An act to incorporate the Warrenton male and female academy, in the county of Dallas.

An act to amend the several acts in relation to public roads in the county of Mobile.

Message from the Senate, by Mr Clitherall:

Mr Speaker—The Senate has adopted the following resolution:

Resolved, That with the concurrence of the House of Representatives, the

two Houses will adjourn this day, twenty-eighth instant, at twelve o'clock, *sine die*.

Also, *Resolved*, That there be a committee of three Senators appointed to act jointly with such committee as is or may be appointed on the part of the House of Representatives, to wait on his Excellency the Governor, and inform him that the two Houses have completed the business before them, and are ready now to adjourn, *sine die*, if he has no further communication to make them.

Messrs McVay, Thornton and Rice, were appointed said committee on the part of the Senate.

On the question of concurrence in the resolutions from the Senate, the yeas and nays were demanded.

YEAS—messrs Speaker, Adams, Adrian, Alexander, Bell, Blackshear, Blount, Bowen, Broughton, Campbell, Cobb, Crenshaw, Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Fleming, Fowler, Griffin of M. Griffin of S. Hale, Hall, Hunter, Hutchinson, Inge, Kidd, King, Langdon, Mann, McClanahan, McCoy, McCullough, McMillion of J. Mitchell, Moore of Madison, Moores, Norris, Norwood, Peters, Pynes, Randolph, Reynolds, Russell, Saunders, Shanks, Simmons, Smith of J. Sirode, Walker of B. Winston of DeK. Womack, Wynn and Young.—54.

The resolutions were concurred in; and Messrs Wynn, Saunders and Douglass appointed on the part of the House.

On motion of Mr McClanahan,

Resolved, That the thanks of this House be tendered to the Hon. R. A. BAKER, Speaker of the House of Representatives, for the able and dignified manner in which he has discharged the duties of said office, during the present called session of the Legislature.

Message from the Senate, by Mr Clitherall:

Mr Speaker—The Senate has adopted the following resolution:

Resolved, That the secretary of the Senate be instructed to inform the House of Representatives, that the Senate has gone through and completed the business before them, and are now ready to adjourn, *sine die*.

The message was laid on the table.

Message from the Governor, by J. D. Bagby—informing the House that he had approved and signed bills, entitled,

An act to increase the revenue fund:

An act to levy a special tax in the county of Limestone:

An act to amend an act entitled an act to incorporate the town of Decatur, in the county of Morgan, approved January 9th, 1841.

Mr Wynn made the following report: The committee appointed on the part of the House to act with the committee on the part of the Senate, to wait upon his excellency the Governor, and inform him that the two Houses of the General Assembly have completed the business before them, and are ready to adjourn at the hour of twelve o'clock this day, unless his Excellency have some

further message to communicate, beg leave to report that they have discharged the duty assigned them, and have been requested by his Excellency to communicate to the House, his gratification at the despatch and promptitude with which the public business has been completed, and that he has no further communication to make.

The resolution from the Senate proposing to adjourn, was taken from the table, and concurred in.

Mr Speaker then rose, and after a few remarks, pronounced the House of Representatives adjourned, *sine die*.

R. A. BAKER,

Speaker of the House of Representatives.

TEST: T. B. TUNSTALL,

Clerk of the House of Representatives.